

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-EIGHTH DAY — THURSDAY, MAY 8, 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 344).

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

Absent — Moreno.

The invocation was offered by Reverend Gene Horne, Leon Springs Presbyterian Church, San Antonio, as follows:

O Lord, we praise your holiness, and your steadfast love for our state and its people. Hear, O Lord, the thankfulness of our lives as we meditate this morning on your sustaining love. Gracious God, who has granted us the resources of this great state and nation, we are asking a blessing for these men and women whom you have called to this body of trust. Lord, we confess that our history contains imperfections and that there is much to be done to complete a just and equitable society.

Lord give these men and women who seek to serve courage, patience, and wisdom to serve well. Lord, many decisions have been made in this session and we ask that they be used to prosper this state. Many decisions are yet to be made. Grant, Lord, to these representatives insight, wisdom, and courage to accomplish for the people of this state what is necessary for their good government. Lord grant these men and women the wisdom to put aside selfish interest in the cause of good governing, grant them insight to see what will be best for the future of this state, and the courage to take that path in their deliberations.

Lord, we ask your continued blessing on the people of Texas, your continued guidance of this body in its work, and continue to remind all who serve here of your steadfast love and leading. In the name of Christ this prayer is made. Amen.

LEAVE OF ABSENCE GRANTED

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

Horn on motion of E. Reyna.

CAPITOL PHYSICIAN

The speaker recognized Representative Gallego who presented Dr. Ramon A. Garcia of Del Rio as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 20, House List No. 50).

HR 852 - ADOPTED (by Goolsby)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 852**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 852, Recognizing the Big Bend Bluebonnet "Texas" series varieties for their contributions to the state's spirit.

HR 852 was adopted without objection.

HR 828 - ADOPTED (by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 828**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 828, Commemorating the 95th anniversary of Dallas's North Park C.M.E. Church.

HR 828 was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 828** as signers thereof.

HR 848 - ADOPTED
(by Van de Putte)

Representative Van de Putte moved to suspend all necessary rules to take up and consider at this time **HR 848**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 848, Recognizing May 8, 1997, as Clinical Nutrition Day in Texas.

HR 848 was adopted without objection.

HR 427 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 427**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 427, Honoring Dr. Ramon A. Garcia of Del Rio for his participation in the Physician of the Day Program.

HR 427 was adopted without objection.

On motion of Representative Junell, the names of all the members of the house were added to **HR 427** as signers thereof.

HR 356 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 356**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 356, In memory of Shawn McMullan.

HR 356 was read and was unanimously adopted by a rising vote.

On motion of Representative Price, the names of all the members of the house were added to **HR 356** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego, who introduced members of Shawn McMullan's family.

HCR 40 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 40**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 40, Congratulating the Iraan High School Braves on winning the 1996 Class 2A State Football Championship.

HCR 40 was read and was adopted without objection.

On motion of Representative Junell, the names of all the members of the house were added to **HCR 40** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego, who introduced the Iraan High School Braves 1996 Class 2A State Championship football team and their coaches.

HCR 16 - ADOPTED (by West)

Representative West moved to suspend all necessary rules to take up and consider at this time **HCR 16**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 16, In memory of Robert P. Sturges.

HCR 16 was unanimously adopted by a rising vote.

On motion of Representative Price, the names of all the members of the house were added to **HCR 16** as signers thereof.

HCR 195 - ADOPTED (by West)

Representative West moved to suspend all necessary rules to take up and consider at this time **HCR 195**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 195, In memory of Frederick W. "Rick" Volker, Jr.

HCR 195 was unanimously adopted by a rising vote.

On motion of Representative Price, the names of all the members of the house were added to **HCR 195** as signers thereof.

HR 827 - ADOPTED (by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 827**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 827, Commemorating the 33rd anniversary of Dallas' Northpark Missionary Baptist Church.

HR 827 was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 827** as signers thereof.

**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.)

**HB 711 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 711, A bill to be entitled An Act relating to highway route designations for non-radioactive hazardous materials.

On motion of Representative Cuellar, the house concurred in the senate amendments to **HB 711** by (Record 345): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; 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; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; 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 — Horn.

Absent — Carter; Elkins; Moreno; Reyna, E.

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

Amend **HB 711** as follows:

In SECTION 1 of the bill, in proposed Section 3A(a), Article 6675d, Revised Statutes, between "rules" and "consistent", (page 1, line 8, engrossed version), insert "under this article".

**HB 1386 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1386, A bill to be entitled An Act relating to the continuation and the functions of the Board of Pardons and Paroles.

On motion of Representative Gray, the house concurred in the senate amendments to **HB 1386**.

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

Amend **HB 1386** as follows:

On page 9, line 8 of the House Engrossment, insert a new subsection (d) as follows:

(d) Members of the board who are not members of the policy board may participate in policy board meetings, but shall have no vote.

Senate Amendment No. 2

Amend **HB 1386** in SECTION 7 of the bill as follows:

(1) In the introductory language to the section, strike "Subsection (i)" (committee printing page 5, line 5) and substitute "Subsections (i), (j), and (k)".

(2) In Article 42.18, Code of Criminal Procedure, strike proposed Subsections (h) and (i) (committee printing, page 5, line 19 through page 5, line 49) and substitute the following:

(h) The policy board shall develop for board [~~its~~] members a comprehensive training and education program on the Texas criminal justice system, with special emphasis on the parole process. A new member may not participate in a vote of the board or a panel until the member completes the program.

(i) To be eligible to take office as a member of the board or the policy board, a person appointed to the board or policy board must complete at least one course of a training program that complies with this section.

(j) A training program must provide information to the person regarding:

(1) the enabling legislation that created the board and the policy board;

(2) the programs operated by the board;

(3) the role and functions of the board;

(4) the rules of the board;

(5) the current budget for the board;

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

(7) the requirements of the:

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

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

(C) administrative procedure law, Chapter 2001, Government

Code;

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

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

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

HB 1929 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1929, A bill to be entitled An Act relating to the investigation and reporting of child abuse or neglect.

On motion of Representative McClendon, the house concurred in the senate amendments to **HB 1929**.

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

Amend **HB 1929** as follows:

In SECTION 2, Section 261.405, beginning on page 1, line 20, replace the entire section with the following:

SECTION 2. Section 261.405, Family Code, is amended to read as follows:

Sec. 261.405. INVESTIGATIONS IN PRE-ADJUDICATION AND POST-ADJUDICATION SECURE JUVENILE [~~COUNTY JUVENILE DETENTION~~] FACILITIES. A report of alleged abuse or neglect in a public or private juvenile pre-adjudication secure detention facility, including hold-over facilities, or public or private [county] juvenile post-adjudication secure correctional [detention] facility, except for a facility operated solely for children committed to the Texas Youth Commission, shall be made to a local law enforcement agency for investigation. The local law enforcement agency shall immediately notify the Texas Juvenile Probation Commission of any report the agency receives.

HB 1185 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Hightower submitted the following conference committee report on **HB 1185**:

Austin, Texas, April 30, 1997

Honorable Bob Bullock
President of the Senate

Honorable Pete Laney
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences

between the Senate and the House of Representatives on **HB 1185** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Armbrister	Hightower
Bivins	Allen
Wentworth	Farrar
Duncan	Clark
Ogden	Place
On the part of the Senate	On the part of the House

HB 1185, A bill to be entitled An Act relating to the fraudulent exercise of certain governmental functions and the fraudulent creation or use of certain pleadings, governmental documents, and records; providing penalties.

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

SECTION 1. Sections 32.21(e) and (f), Penal Code, are amended to read as follows:

(e) An offense under this section is a felony of the third degree if the writing is or purports to be:

- (1) part of an issue of money, securities, postage or revenue stamps;
- (2) a government record listed in Section 37.01(2)(C) [~~37.01(1)(C)~~];

or

(3) other instruments issued by a state or national government or by a subdivision of either, or part of an issue of stock, bonds, or other instruments representing interests in or claims against another person.

(f) A person is presumed to intend to defraud or harm another if the person acts with respect to two or more writings of the same type and if each writing is a government record listed in Section 37.01(2)(C) [~~37.01(1)(C)~~].

SECTION 2. Section 32.46, Penal Code, is amended to read as follows:

Sec. 32.46. SECURING EXECUTION OF DOCUMENT BY DECEPTION. (a) A person commits an offense if, with intent to defraud or harm any person, he, by deception:

(1) [~~;~~] causes another to sign or execute any document affecting property or service or the pecuniary interest of any person; or

(2) causes or induces a public servant to file or record any purported judgment or other document purporting to memorialize or evidence an act, an order, a directive, or process of:

(A) a purported court that is not expressly created or established under the constitution or the laws of this state or of the United States;

(B) a purported judicial entity that is not expressly created or established under the constitution or laws of this state or of the United States;
or

(C) a purported judicial officer of a purported court or purported judicial entity described by Paragraph (A) or (B).

(b) An offense under Subsection (a)(1) [~~this section~~] is a:

(1) Class C misdemeanor if the value of the property, service, or pecuniary interest is less than \$20;

(2) Class B misdemeanor if the value of the property, service, or pecuniary interest is \$20 or more but less than \$500;

(3) Class A misdemeanor if the value of the property, service, or pecuniary interest is \$500 or more but less than \$1,500;

(4) state jail felony if the value of the property, service, or pecuniary interest is \$1,500 or more but less than \$20,000;

(5) felony of the third degree if the value of the property, service, or pecuniary interest is \$20,000 or more but less than \$100,000;

(6) felony of the second degree if the value of the property, service, or pecuniary interest is \$100,000 or more but less than \$200,000; or

(7) felony of the first degree if the value of the property, service, or pecuniary interest is \$200,000 or more.

(c) An offense under Subsection (a)(2) is a state jail felony.

(d) In this section, "deception" has the meaning assigned by Section 31.01.

SECTION 3. Subchapter D, Chapter 32, Penal Code, is amended by adding Section 32.48 to read as follows:

Sec. 32.48. SIMULATING LEGAL PROCESS. (a) A person commits an offense if the person recklessly causes to be delivered to another any document that simulates a summons, complaint, judgment, or other court process with the intent to:

(1) induce payment of a claim from another person; or

(2) cause another to:

(A) submit to the putative authority of the document; or

(B) take any action or refrain from taking any action in response to the document, in compliance with the document, or on the basis of the document.

(b) Proof that the document was mailed to any person with the intent that it be forwarded to the intended recipient is a sufficient showing that the document was delivered.

(c) It is not a defense to prosecution under this section that the simulating document:

(1) states that it is not legal process; or

(2) purports to have been issued or authorized by a person or entity who did not have lawful authority to issue or authorize the document.

(d) If it is shown on the trial of an offense under this section that the simulating document was filed with, presented to, or delivered to a clerk of a court or an employee of a clerk of a court created or established under the constitution or laws of this state, there is a rebuttable presumption that the document was delivered with the intent described by Subsection (a).

(e) Except as provided by Subsection (f), an offense under this section is a Class A misdemeanor.

(f) If it is shown on the trial of an offense under this section that the defendant has previously been convicted of a violation of this section, the offense is a state jail felony.

SECTION 4. Subchapter D, Chapter 32, Penal Code, is amended by adding Section 32.49 to read as follows:

Sec. 32.49. REFUSAL TO EXECUTE RELEASE OF FRAUDULENT LIEN OR CLAIM. (a) A person commits an offense if, with intent to defraud or harm another, the person:

(1) owns, holds, or is the beneficiary of a purported lien or claim asserted against real or personal property or an interest in real or personal property that is fraudulent, as described by Section 51.901(c), Government Code; and

(2) not later than the 21st day after the date of receipt of actual or written notice sent by either certified or registered mail, return receipt requested, to the person's last known address, or by telephonic document transfer to the recipient's current telecopier number, requesting the execution of a release of the fraudulent lien or claim, refuses to execute the release on the request of:

(A) the obligor or debtor; or

(B) any person who owns any interest in the real or personal property described in the document or instrument that is the basis for the lien or claim.

(b) A person who fails to execute a release of the purported lien or claim within the period prescribed by Subsection (a)(2) is presumed to have had the intent to harm or defraud another.

(c) An offense under this section is a Class A misdemeanor.

SECTION 5. Section 37.01, Penal Code, is amended to read as follows:
Sec. 37.01. DEFINITIONS. In this chapter:

(1) "Court record" means a decree, judgment, order, subpoena, warrant, minutes, or other document issued by a court of:

(A) this state;

(B) another state;

(C) the United States;

(D) a foreign country recognized by an act of congress or a treaty or other international convention to which the United States is a party;

(E) an Indian tribe recognized by the United States; or

(F) any other jurisdiction, territory, or protectorate entitled to full faith and credit in this state under the United States Constitution.

(2) "Governmental record" means:

(A) anything belonging to, received by, or kept by government for information, including a court record;

(B) anything required by law to be kept by others for information of government; or

(C) a license, certificate, permit, seal, title, letter of patent, or similar document issued by government.

(3) [(2)] "Statement" means any representation of fact.

SECTION 6. Section 37.10, Penal Code, is amended by amending Subsection (d) and adding Subsection (h) to read as follows:

(d) An offense under this section is a felony of the thirddegree if it is shown on the trial of the offense that the governmental record was a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, unless the actor's intent is to defraud or harm another, in which event the offense is a felony of the second degree.

(h) If conduct that constitutes an offense under this section also constitutes an offense under Section 32.48 or 37.13, the actor may be prosecuted under any of those sections.

SECTION 7. Section 37.11, Penal Code, is amended to read as follows:

Sec. 37.11. IMPERSONATING PUBLIC SERVANT. (a) A person commits an offense if he:

(1) impersonates a public servant with intent to induce another to submit to his pretended official authority or to rely on his pretended official acts; or

(2) knowingly purports to exercise any function of a public servant or of a public office, including that of a judge and court, and the position or office through which he purports to exercise a function of a public servant or public office has no lawful existence under the constitution or laws of this state or of the United States.

(b) An offense under this section is [~~a Class A misdemeanor unless the person impersonated a peace officer, in which event it is~~] a felony of the third degree.

SECTION 8. Chapter 37, Penal Code, is amended by adding Section 37.13 to read as follows:

Sec. 37.13. RECORD OF A FRAUDULENT COURT. (a) A person commits an offense if the person makes, presents, or uses any document or other record with:

(1) knowledge that the document or other record is not a record of a court created under or established by the constitution or laws of this state or of the United States; and

(2) the intent that the document or other record be given the same legal effect as a record of a court created under or established by the constitution or laws of this state or of the United States.

(b) An offense under this section is a Class A misdemeanor, except that the offense is a felony of the third degree if it is shown on the trial of the offense that the defendant has previously been convicted under this section on two or more occasions.

(c) If conduct that constitutes an offense under this section also constitutes an offense under Section 32.48 or 37.10, the actor may be prosecuted under any of those sections.

SECTION 9. Section 71.02(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, he commits or conspires to commit one or more of the following:

(1) murder, capital murder, arson, aggravated robbery, robbery, burglary, theft, aggravated kidnapping, kidnapping, aggravated assault, aggravated sexual assault, sexual assault, forgery, deadly conduct, assault punishable as a Class A misdemeanor, burglary of a motor vehicle, or unauthorized use of a motor vehicle;

(2) any gambling offense punishable as a Class A misdemeanor;

(3) promotion of prostitution, aggravated promotion of prostitution, or compelling prostitution;

(4) unlawful manufacture, transportation, repair, or sale of firearms or prohibited weapons;

(5) unlawful manufacture, delivery, dispensation, or distribution of a controlled substance or dangerous drug, or unlawful possession of a controlled

substance or dangerous drug through forgery, fraud, misrepresentation, or deception;

(6) any unlawful wholesale promotion or possession of any obscene material or obscene device with the intent to wholesale promote the same;

(7) any unlawful employment, authorization, or inducing of a child younger than 17 years of age in an obscene sexual performance;

(8) any felony offense under Chapter 32, Penal Code;

(9) any offense under Chapter 36, Penal Code; ~~or~~

(10) any offense under Chapter 34, Penal Code; ~~or~~

(11) any offense under Section 37.11(a), Penal Code.

SECTION 10. Chapter 37, Penal Code, is amended by adding Section 37.101 to read as follows:

Sec. 37.101. FRAUDULENT FILING OF FINANCING STATEMENT.

(a) A person commits an offense if the person knowingly presents for filing or causes to be presented for filing a financing statement that the person knows:

(1) is forged;

(2) contains a material false statement; or

(3) is groundless.

(b) An offense under Subsection (a)(1) is a felony of the third degree, unless it is shown on the trial of the offense that the person had previously been convicted under this section on two or more occasions, in which event the offense is a felony of the second degree. An offense under Subsection (a)(2) or (a)(3) is a Class A misdemeanor, unless the person commits the offense with the intent to defraud or harm another, in which event the offense is a state jail felony.

SECTION 11. Chapter 1, Code of Criminal Procedure, is amended by adding Article 1.052 to read as follows:

Art. 1.052. SIGNED PLEADINGS OF DEFENDANT. (a) A pleading, motion, and other paper filed for or on behalf of a defendant represented by an attorney must be signed by at least one attorney of record in the attorney's name and state the attorney's address. A defendant who is not represented by an attorney must sign any pleading, motion, or other paper filed for or on the defendant's behalf and state the defendant's address.

(b) The signature of an attorney or a defendant constitutes a certificate by the attorney or defendant that the person has read the pleading, motion, or other paper and that to the best of the person's knowledge, information, and belief formed after reasonable inquiry that the instrument is not groundless and brought in bad faith or groundless and brought for harassment, unnecessary delay, or other improper purpose.

(c) If a pleading, motion, or other paper is not signed, the court shall strike it unless it is signed promptly after the omission is called to the attention of the attorney or defendant.

(d) An attorney or defendant who files a fictitious pleading in a cause for an improper purpose described by Subsection (b) or who makes a statement in a pleading that the attorney or defendant knows to be groundless and false to obtain a delay of the trial of the cause or for the purpose of harassment shall be held guilty of contempt.

(e) If a pleading, motion, or other paper is signed in violation of this

article, the court, on motion or on its own initiative, after notice and hearing, shall impose an appropriate sanction, which may include an order to pay to the other party or parties to the prosecution or to the general fund of the county in which the pleading, motion, or other paper was filed the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including reasonable attorney's fees.

(f) A court shall presume that a pleading, motion, or other paper is filed in good faith. Sanctions under this article may not be imposed except for good cause stated in the sanction order.

(g) A plea of "not guilty" or "no contest" or "nolo contendere" does not constitute a violation of this article. An allegation that an event took place or occurred on or about a particular date does not constitute a violation of this article.

(h) In this article, "groundless" means without basis in law or fact and not warranted by a good faith argument for the extension, modification, or reversal of existing law.

SECTION 12. Chapter 13, Code of Criminal Procedure, is amended by adding Article 13.26 to read as follows:

Art. 13.26. SIMULATING LEGAL PROCESS. An offense under Section 32.46, 32.48, 32.49, or 37.13, Penal Code, may be prosecuted either in the county from which any material document was sent or in the county in which it was delivered.

SECTION 13. Section 51.605(c), Government Code, is amended to read as follows:

(c) A clerk must successfully complete 20 hours of continuing education courses in the performance of the duties of office at least one time in each 24-month period. The 20 hours of required continuing education courses must include at least one hour of continuing education regarding fraudulent court documents and fraudulent document filings.

SECTION 14. Chapter 51, Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. CERTAIN FRAUDULENT RECORDS OR DOCUMENTS

Sec. 51.901. FRAUDULENT DOCUMENT OR INSTRUMENT. (a) If a clerk of the supreme court, clerk of the court of criminal appeals, clerk of a court of appeals, district clerk, county clerk, district and county clerk, or municipal clerk has a reasonable basis to believe in good faith that a document or instrument previously filed or recorded or offered or submitted for filing or for filing and recording is fraudulent, the clerk shall:

(1) if the document is a purported judgment or other document purporting to memorialize or evidence an act, an order, a directive, or process of a purported court, provide written notice of the filing, recording, or submission for filing or for filing and recording to the stated or last known address of the person against whom the purported judgment, act, order, directive, or process is rendered; or

(2) if the document or instrument purports to create a lien or assert a claim on real or personal property or an interest in real or personal property, provide written notice of the filing, recording, or submission for filing or for filing and recording to the stated or last known address of the person named

in the document or instrument as the obligor or debtor and to any person named as owning any interest in the real or personal property described in the document or instrument.

(b) A clerk shall provide written notice under Subsection (a):

(1) not later than the second business day after the date that the document or instrument is offered or submitted for filing or for filing and recording; or

(2) if the document or instrument has been previously filed or recorded, not later than the second business day after the date that the clerk becomes aware that the document or instrument may be fraudulent.

(c) For purposes of this section, a document or instrument is presumed to be fraudulent if:

(1) the document is a purported judgment or other document purporting to memorialize or evidence an act, an order, a directive, or process of:

(A) a purported court or a purported judicial entity not expressly created or established under the constitution or the laws of this state or of the United States; or

(B) a purported judicial officer of a purported court or purported judicial entity described by Paragraph (A); or

(2) the document or instrument purports to create a lien or assert a claim against real or personal property or an interest in real or personal property and:

(A) is not a document or instrument provided for by the constitution or laws of this state or of the United States;

(B) is not created by implied or express consent or agreement of the obligor, debtor, or the owner of the real or personal property or an interest in the real or personal property, if required under the laws of this state, or by implied or express consent or agreement of an agent, fiduciary, or other representative of that person; or

(C) is not an equitable, constructive, or other lien imposed by a court with jurisdiction created or established under the constitution or laws of this state or of the United States.

Sec. 51.902. ACTION ON FRAUDULENT JUDGMENT LIEN. (a) A person against whom a purported judgment was rendered who has reason to believe that a document previously filed or recorded or submitted for filing or for filing and recording is fraudulent may complete and file with the district clerk a motion, verified by affidavit by a completed form for ordinary certificate of acknowledgment, of the same type described by Section 121.007, Civil Practice and Remedies Code, that contains, at a minimum, the information in the following suggested form:

MISC. DOCKET NO. _____

In Re: A Purported
Judgment Lien Against
(Name of Purported
Debtor)

In the _____ Judicial District
In and For _____
County, Texas

Motion for Judicial Review of a Documentation Purporting to

Create a Judgment Lien

Now Comes (name) and files this motion requesting a judicial determination of the status of a court, judicial entity, or judicial officer purporting to have taken an action that is the basis of a judgment lien filed in the office of said clerk, and in support of the motion would show the court as follows:

I.

(Name), movant herein, is the person against whom the purported judgment was rendered.

II.

On (date), in the exercise of the county clerk's official duties as County Clerk of (county name) County, Texas, the county clerk received and filed or filed and recorded the documentation attached hereto and containing (number) pages. Said documentation purports to have been rendered on the basis of a judgment, act, order, directive, or process of a court, judicial entity, or judicial officer called therein "(name of purported court, judicial entity, or judicial officer)" against one (name of purported debtor).

III.

Movant alleges that the purported court, judicial entity, or judicial officer referred to in the attached documentation is one described in Section 51.901(c)(1), Government Code, as not legally created or established under the constitution or laws of this state or of the United States, and that the documentation should therefore not be accorded lien status.

IV.

Movant further attests that the assertions contained herein are true and correct.

PRAYER

Movant requests the court to review the attached documentation and enter an order determining whether it should be accorded lien status, together with such other orders as the court deems appropriate.

Respectfully submitted,

(Signature and typed name
and address)

(b) The completed form for ordinary certificate of acknowledgment, of the same type described by Section 121.007, Civil Practice and Remedies Code, must be as follows:

AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

"My name is _____. I am over 21 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I further attest that the assertions contained in the accompanying motion are true and correct."

Further affiant sayeth not.

SUBSCRIBED and SWORN TO before me, this

_____ day of _____,

NOTARY PUBLIC, State of Texas

Notary's printed name:

My commission expires:

(c) A motion filed under this section may be ruled on by a district judge having jurisdiction over real property matters in the county where the subject documentation was filed. The court's finding may be made solely on a review of the documentation attached to the movant's motion and without hearing any testimonial evidence. The court's review may be made ex parte without delay or notice of any kind. The court's ruling on the motion, in the nature of a finding of fact and a conclusion of law, is unappealable if it is substantially similar to the form suggested in Subsection (g).

(d) The district clerk may not collect a filing fee for filing a motion under this section.

(e) After reviewing the documentation attached to a motion under this section, the district judge shall enter an appropriate finding of fact and conclusion of law, which must be filed and indexed in the same class of records in which the subject documentation or instrument was originally filed.

(f) The county clerk may not collect a filing fee for filing a district judge's finding of fact and conclusion of law under this section.

(g) A suggested form order appropriate to comply with this section is as follows:

MISC. DOCKET NO. _____

In Re: A Purported
Judgment Lien Against
(Name of Purported
Debtor)

In the _____ Judicial District
In and For _____
County, Texas

Judicial Finding of Fact and Conclusion of Law
Regarding a Documentation Purporting to Create a Judgment Lien

On the (number) day of (month), (year), in the above entitled and numbered cause, this court reviewed a motion verified by affidavit of (name) and the documentation attached thereto. No testimony was taken from any party, nor was there any notice of the court's review, the court having made the determination that a decision could be made solely on review of the documentation under the authority vested in the court under Subchapter J, Chapter 51, Government Code.

The court finds as follows (only an item checked and initialed is a valid court ruling):

_____ The documentation attached to the motion herein refers to a legally constituted court, judicial entity, or judicial officer created by or established under the constitution or laws of this state or of the United States. This judicial finding and conclusion of law does not constitute a finding as to any underlying claims of the parties.

_____ The documentation attached to the motion herein DOES NOT refer to a legally constituted court, judicial entity, or judicial officer created by or established under the constitution or laws of this state or of the United States.

There is no valid judgment lien created by the documentation.

This court makes no finding as to any underlying claims of the parties involved and expressly limits its finding of fact and conclusion of law to a ministerial act. The county clerk shall file this finding of fact and conclusion of law in the same class of records as the subject documentation was originally filed, and the court directs the county clerk to index it using the same names that were used in indexing the subject document.

SIGNED ON THIS THE _____ DAY OF _____.

DISTRICT JUDGE
JUDICIAL DISTRICT
COUNTY, TEXAS

Sec. 51.903. ACTION ON FRAUDULENT LIEN ON PROPERTY. (a) A person who is the purported debtor or obligor or who owns real or personal property or an interest in real or personal property and who has reason to believe that the document purporting to create a lien or a claim against the real or personal property or an interest in the real or personal property previously filed or submitted for filing and recording is fraudulent may complete and file with the district clerk a motion, verified by affidavit by a completed form for ordinary certificate of acknowledgment, of the same type described by Section 121.007, Civil Practice and Remedies Code, that contains, at a minimum, the information in the following suggested form:

MISC. DOCKET NO. _____

In Re: A Purported _____ In the _____ Judicial District
Lien or Claim Against _____ In and For _____
(Name of Purported _____ County, Texas
Debtor)

Motion for Judicial Review of Documentation or Instrument Purporting to Create a Lien or Claim

Now Comes (name) and files this motion requesting a judicial determination of the status of documentation or an instrument purporting to create an interest in real or personal property or a lien or claim on real or personal property or an interest in real or personal property filed in the office of the Clerk of (county name) County, Texas, and in support of the motion would show the court as follows:

I.

(Name), movant herein, is the purported obligor or debtor or person who owns the real or personal property or the interest in real or personal property described in the documentation or instrument.

II.

On (date), in the exercise of the county clerk's official duties as County Clerk of (county name) County, Texas, the county clerk received and filed and recorded the documentation or instrument attached hereto and containing (number) pages. Said documentation or instrument purports to have created a lien on real or personal property or an interest in real or personal property against one (name of purported debtor).

III.

Movant alleges that the documentation or instrument attached hereto is

fraudulent, as defined by Section 51.901(c)(2), Government Code, and that the documentation or instrument should therefore not be accorded lien status.

IV.

Movant attests that assertions herein are true and correct.

V.

Movant does not request the court to make a finding as to any underlying claim of the parties involved and acknowledges that this motion does not seek to invalidate a legitimate lien. Movant further acknowledges that movant may be subject to sanctions, as provided by Chapter 10, Civil Practice and Remedies Code, if this motion is determined to be frivolous.

PRAYER

Movant requests the court to review the attached documentation or instrument and enter an order determining whether it should be accorded lien status, together with such other orders as the court deems appropriate.

Respectfully submitted,

(Signature and typed name
and address)

(b) The completed form for ordinary certificate of acknowledgment, of the same type described by Section 121.007, Civil Practice and Remedies Code, must be as follows:

AFFIDAVIT

THE STATE OF TEXAS
COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

"My name is _____. I am over 21 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I further attest that the assertions contained in the accompanying motion are true and correct."

Further affiant sayeth not.

SUBSCRIBED and SWORN TO before me, this
_____ day of _____, _____.

NOTARY PUBLIC, State of Texas
Notary's printed name:

My commission expires:

(c) A motion under this section may be ruled on by a district judge having jurisdiction over real property matters in the county where the subject document was filed. The court's finding may be made solely on a review of the documentation or instrument attached to the motion and without hearing any testimonial evidence. The court's review may be made ex parte without delay or notice of any kind. An appellate court shall expedite review of a court's finding under this section.

(d) The district clerk may not collect a filing fee for filing a motion under this section.

(e) After reviewing the documentation or instrument attached to a motion under this section, the district judge shall enter an appropriate finding of fact and conclusion of law, which must be filed and indexed in the same class of records in which the subject documentation or instrument was originally filed. A copy of the finding of fact and conclusion of law shall be sent, by first class mail, to the movant and to the person who filed the fraudulent lien or claim at the last known address of each person within seven days of the date that the finding of fact and conclusion of law is issued by the judge.

(f) The county clerk may not collect a fee for filing a district judge's finding of fact and conclusion of law under this section.

(g) A suggested form order appropriate to comply with this section is as follows:

MISC. DOCKET NO. _____

In Re: A Purported
Lien or Claim Against
(Name of Purported
Debtor)

In the _____ Judicial District
In and For _____
County, Texas

Judicial Finding of Fact and Conclusion of Law Regarding a
Documentation or Instrument Purporting to Create a Lien or Claim

On the (number) day of (month), (year), in the above entitled and numbered cause, this court reviewed a motion, verified by affidavit, of (name) and the documentation or instrument attached thereto. No testimony was taken from any party, nor was there any notice of the court's review, the court having made the determination that a decision could be made solely on review of the documentation or instrument under the authority vested in the court under Subchapter J, Chapter 51, Government Code.

The court finds as follows (only an item checked and initialed is a valid court ruling):

The documentation or instrument attached to the motion herein IS asserted against real or personal property or an interest in real or personal property and:

(1) IS provided for by specific state or federal statutes or constitutional provisions:

(2) IS created by implied or express consent or agreement of the obligor, debtor, or the owner of the real or personal property or an interest in the real or personal property, if required under the laws of this state, or by consent of an agent, fiduciary, or other representative of that person; or

(3) IS an equitable, constructive, or other lien imposed by a court of competent jurisdiction created or established under the constitution or laws of this state or of the United States.

The documentation or instrument attached to the motion herein:

(1) IS NOT provided for by specific state or federal statutes or constitutional provisions;

(2) IS NOT created by implied or express consent or agreement of the obligor, debtor, or the owner of the real or personal property or an interest in the real or personal property, if required under the law of this state or by

implied or express consent or agreement of an agent, fiduciary, or other representative of that person;

(3) IS NOT an equitable, constructive, or other lien imposed by a court of competent jurisdiction created by or established under the constitution or laws of this state or the United States; or

(4) IS NOT asserted against real or personal property or an interest in real or personal property. There is no valid lien or claim created by this documentation or instrument.

This court makes no finding as to any underlying claims of the parties involved, and expressly limits its finding of fact and conclusion of law to the review of a ministerial act. The county clerk shall file this finding of fact and conclusion of law in the same class of records as the subject documentation or instrument was originally filed, and the court directs the county clerk to index it using the same names that were used in indexing the subject documentation or instrument.

SIGNED ON THIS THE _____ DAY OF _____.

DISTRICT JUDGE

JUDICIAL DISTRICT

COUNTY, TEXAS

Sec. 51.904. WARNING SIGN. A clerk described by Section 51.901(a) shall post a sign, in letters at least one inch in height, that is clearly visible to the general public in or near the clerk's office stating that it is a crime to intentionally or knowingly file a fraudulent court record or a fraudulent instrument with the clerk.

Sec. 51.905. DOCUMENTS FILED WITH SECRETARY OF STATE. (a) If the lien or other claim that is the subject of a judicial finding of fact and conclusion of law authorized by this subchapter is one that is authorized by law to be filed with the secretary of state, any person may file a certified copy of the judicial finding of fact and conclusion of law in the records of the secretary of state, who shall file the certified copy of the finding in the same class of records as the subject document or instrument was originally filed and index it using the same names that were used in indexing the subject document or instrument.

(b) The secretary of state may charge a filing fee of \$15 for filing a certified copy of a judicial finding of fact and conclusion of law under this section.

SECTION 15. Section 12.013, Property Code, is amended to read as follows:

Sec. 12.013. JUDGMENT. A judgment or an abstract of a judgment of a court [~~in this state~~] may be recorded if:

(1) the judgment is of a court:

(A) expressly created or established under the constitution or laws of this state or of the United States;

(B) that is a court of a foreign country and that is recognized by an Act of congress or a treaty or other international convention to which the United States is a party; or

(C) of any other jurisdiction, territory, or protectorate entitled to full faith and credit in this state under the Constitution of the United States;

and

(2) the judgment is attested under the signature and seal of the clerk of the court that rendered the judgment.

SECTION 16. Subtitle A, Title 2, Civil Practice and Remedies Code, is amended by adding Chapter 11 to read as follows:

CHAPTER 11. LIABILITY RELATED TO A FRAUDULENT COURT
RECORD OR A FRAUDULENT LIEN OR CLAIM FILED AGAINST
REAL OR PERSONAL PROPERTY

Sec. 11.001. DEFINITIONS. In this chapter:

(1) "Court record" has the meaning assigned by Section 37.01, Penal Code.

(2) "Exemplary damages" has the meaning assigned by Section 41.001.

(3) "Lien" means a claim in property for the payment of a debt and includes a security interest.

(4) "Public servant" has the meaning assigned by Section 1.07, Penal Code, and includes officers and employees of the United States.

Sec. 11.002. LIABILITY. (a) A person may not make, present, or use a document or other record with:

(1) knowledge that the document or other record is a fraudulent court record or a fraudulent lien or claim against real or personal property or an interest in real or personal property;

(2) intent that the document or other record be given the same legal effect as a court record or document of a court created by or established under the constitution or laws of this state or the United States or another entity listed in Section 37.01, Penal Code, evidencing a valid lien or claim against real or personal property or an interest in real or personal property; and

(3) intent to cause another person to suffer:

(A) physical injury;

(B) financial injury; or

(C) mental anguish or emotional distress.

(b) A person who violates Subsection (a) is liable to each injured person for:

(1) the greater of:

(A) \$10,000; or

(B) the actual damages caused by the violation;

(2) court costs;

(3) reasonable attorney's fees; and

(4) exemplary damages in an amount determined by the court.

Sec. 11.003. CAUSE OF ACTION. (a) The following persons may bring an action to enjoin violation of this chapter or to recover damages under this chapter:

(1) the attorney general;

(2) a district attorney;

(3) a criminal district attorney;

(4) a county attorney with felony responsibilities;

(5) a county attorney;

(6) a municipal attorney;

(7) in the case of a fraudulent judgment lien, the person against whom the judgment is rendered; and

(8) in the case of a fraudulent lien or claim against real or personal property or an interest in real or personal property, the obligor or debtor, or a person who owns an interest in the real or personal property.

(b) Notwithstanding any other law, a person or a person licensed or regulated by Chapter 9, Insurance Code (the Texas Title Insurance Act), does not have a duty to disclose a fraudulent, as described by Section 51.901(c), Government Code, court record, document, or instrument purporting to create a lien or purporting to assert a claim on real property or an interest in real property in connection with a sale, conveyance, mortgage, or other transfer of the real property or interest in real property.

(c) Notwithstanding any other law, a purported judgment lien or document establishing or purporting to establish a judgment lien against property in this state, that is issued or purportedly issued by a court or a purported court other than a court established under the laws of this state or the United States, is void and has no effect in the determination of any title or right to the property.

Sec. 11.004. VENUE. An action under this chapter may be brought in any district court in the county in which the recorded document is recorded or in which the real property is located.

Sec. 11.005. FILING FEES. (a) The fee for filing an action under this chapter is \$15. The plaintiff must pay the fee to the clerk of the court in which the action is filed. Except as provided by Subsection (b), the plaintiff may not be assessed any other fee, cost, charge, or expense by the clerk of the court or other public official in connection with the action.

(b) The fee for service of notice of an action under this section charged to the plaintiff may not exceed:

(1) \$20 if the notice is delivered in person; or

(2) the cost of postage if the service is by registered or certified mail.

(c) A plaintiff who is unable to pay the filing fee and fee for service of notice may file with the court an affidavit of inability to pay under the Texas Rules of Civil Procedure.

(d) If the fee imposed under Subsection (a) is less than the filing fee the court imposes for filing other similar actions and the plaintiff prevails in the action, the court may order a defendant to pay to the court the differences between the fee paid under Subsection (a) and the filing fee the court imposes for filing other similar actions.

Sec. 11.006. PLAINTIFF'S COSTS. (a) The court shall award the plaintiff the costs of bringing the action if:

(1) the plaintiff prevails; and

(2) the court finds that the defendant, at the time the defendant caused the recorded document to be recorded or filed, knew or should have known that the recorded document is fraudulent, as described by Section 51.901(c), Government Code.

(b) For purposes of this section, the costs of bringing the action include all court costs, attorney's fees, and related expenses of bringing the action, including investigative expenses.

Sec. 11.007. EFFECT ON OTHER LAW. This law is cumulative of other law under which a person may obtain judicial relief with respect to a recorded document or other record.

SECTION 17. Section 9.412(c), Business & Commerce Code, is repealed.

SECTION 18. An action for an order under Subchapter J, Chapter 51, Government Code, as added by this Act, may be brought with respect to a recorded document or instrument without regard to whether the document or instrument was filed before, on, or after the effective date of this Act.

SECTION 19. A clerk must successfully complete one hour of continuing education regarding fraudulent court documents and fraudulent document filings required by Section 51.605(c), Government Code, as amended by this Act, before September 1, 1998.

SECTION 20. The change in law made by Section 16 of this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect on the date the cause of action accrues, and that law is continued in effect for this purpose.

SECTION 21. (a) The change in law made by this Act applies only to a criminal offense committed on or after the effective date of this Act. For the purposes of this Act, a criminal offense is committed before the effective date of this Act if any element of the offense occurs before that date.

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

SECTION 22. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Representative Hightower moved to adopt the conference committee report on **HB 1185**.

A record vote was requested.

The motion prevailed by (Record 346): 145 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; Culbertson; Danburg; Davila; Davis; 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; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; 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 — Horn.

Absent — Giddings; Moreno.

STATEMENT OF VOTE

When Record No. 346 was taken, my vote failed to register. I would have voted yes.

Giddings

SB 203 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Staples submitted the conference committee report on **SB 203**.

Representative Staples moved to adopt the conference committee report on **SB 203**.

The motion prevailed without objection.

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

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

SB 365 ON THIRD READING (Bosse - House Sponsor)

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

SB 365 was passed.

SB 386 ON THIRD READING (Smithee, Berlanga, Van de Putte, Naishtat, et al. - House Sponsors)

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

SB 386 was passed.

STATEMENT BY REPRESENTATIVE MERRITT

I voted no on **SB 386**.

Merritt

MAJOR STATE CALENDAR SENATE BILLS SECOND READING

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

SB 358 ON SECOND READING (Telford - House Sponsor)

SB 358, A bill to be entitled An Act relating to the continuation and functions of the Credit Union Commission.

Amendment No. 1

Representative Madden offered the following amendment to **SB 358**:

Amend **SB 358** in Section 8 of the bill, amended Section 11.04(b)(5), Texas Credit Union Act (Article 2461-11.04, Vernon's Texas Civil Statutes) (on page 12, lines 1 and 2, Committee Printing), by striking "unless the absence is excused by majority vote of the commission".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Corte offered the following amendment to **SB 358**:

Amend **SB 358** as follows:

(1) Strike Section 7 of the bill (page 9, line 20 through page 11, line 1), and substitute the following:

SECTION 7. Chapter 11, Texas Credit Union Act (Article 2461-11.01 et seq., Vernon's Texas Civil Statutes), is amended by adding Section 11.031 to read as follows:

Sec. 11.031. TRAINING PROGRAM. (a) To be eligible to take office as a member of the commission a person appointed to the commission must complete at least one course of a training program that complies with this section. A Commission member must complete a training program that complies with subsection (b) not later than the 180th day after the date on which the person takes office.

(b) A training program established under this section shall provide information to the member regarding:

(1) the enabling legislation that created the department and its policy-making body to which the member is appointed to serve;

(2) the programs operated by the department;

(3) the role and functions of the department;

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

(5) the current budget for the department;

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

(7) the requirements of the:

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

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

(C) administrative procedure law, Chapter 2001, Government

Code;

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

(9) any applicable ethics policies adopted by the department or the Texas Ethics Commission; and

(10) the basic principles and responsibilities of credit union management;

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

(2) On page 20, line 12, after the word "state" strike "guidelines" and substitute "laws, rules, and regulations and instructions promulgated directly from those laws, rules and regulations".

(3) On page 20, line 15, after the word "state" strike "guidelines" and substitute "laws, rules, and regulations and instructions promulgated directly from those laws, rules and regulations".

Amendment No. 2 was adopted without objection.

(Moreno now present)

Amendment No. 3

Representative Maxey offered the following amendment to **SB 358**:

Amend **SB 358** by adding the following appropriately numbered SECTION and renumber subsequent SECTIONS, if any, appropriately:

SECTION _____. Chapter 4, Texas Credit Union Act (Article 2461-4.01 et seq., Vernon's Texas Civil Statutes), is amended by adding Section 4.04 to read as follows:

Sec. 4.04. LIMITATION ON FEES FOR USE OF AUTOMATED TELLER MACHINES. (a) A credit union, or a financial institution in competition with a credit union, may charge a customer of the credit union or financial institution a transaction fee of not more than \$1 for each transaction the customer makes relating to the customer's account with the credit union or financial institution using an automated teller machine, regardless of whether the credit union or financial institution is the owner of the automated teller machine. A credit union or financial institution may not charge any other fee for the use of an automated teller machine except as authorized by the subsection.

(b) If the owner of an automated teller machine is a credit union, or a financial institution in competition with a credit union, the credit union or financial institution may not charge an additional fee for use of the automated teller machine. If the owner of the automatic teller machine is other than a credit union or financial institution, the owner may only charge a user of the automated teller machine a transaction fee of not more than \$.50 for a transaction made by the user at the automated teller machine.

Amendment No. 3 was withdrawn.

SB 358, as amended, was passed to third reading. (Keel recorded voting yes)

CSSB 1706 ON SECOND READING (Junell - House Sponsor)

CSSB 1706, A bill to be entitled An Act relating to the funding of passenger rail service by the Texas Department of Transportation.

A record vote was requested.

CSSB 1706 was passed to third reading by (Record 347): 107 Yeas, 34 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen;

Bosse; Brimer; Burnam; Carter; Chavez; Christian; Coleman; Counts; Cuellar; Danburg; Delisi; Denny; Driver; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Galloway; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hartnett; Hawley; Hernandez; Hightower; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Howard; Hunter; Hupp; Jackson; Jones, D.; Jones, J.; Junell; Kamel; Keffer; Kubiak; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Roman; Sadler; Serna; Smith; Solis; Solomons; Staples; Stiles; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wise; Wohlgemuth; Wolens.

Nays — Chisum; Clark; Cook; Corte; Crabb; Craddick; Culberson; Davila; Davis; Elkins; Finnell; Grusendorf; Hamric; Heflin; Hilbert; Hilderbran; Holzheuser; Isett; Janek; Keel; King; Krusee; Kuempel; Luna; Rhodes; Seaman; Shields; Siebert; Smithee; Swinford; Talton; Williams; Woolley; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Horn.

Absent — Dukes; Garcia; Nixon; Oakley; Rabuck; Yarbrough.

STATEMENTS OF VOTE

I was shown voting no on Record No. 347. I intended to vote yes.

Clark

I was shown voting no on Record No. 347. I intended to vote yes.

Cook

I was shown voting yes on Record No. 347. I intended to vote no.

Hupp

I was shown voting no on Record No. 347. I intended to vote yes.

Isett

When Record No. 347 was taken, I was in the house but away from my desk. I would have voted yes.

Rabuck

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 898 ON THIRD READING (Wolens - House Sponsor)

SB 898, A bill to be entitled An Act relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification

of various laws omitted from enacted codes, and to conforming codifications enacted by the 74th Legislature to other Acts of that legislature.

SB 898 was passed. (Finnell recorded voting present, not voting)

SB 884 ON THIRD READING
(Wolens - House Sponsor)

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

A record vote was requested.

SB 884 was passed by (Record 348): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Crabb; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; 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; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; 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 — Horn.

Absent — Alexander; Counts; Craddick; Ehrhardt; Shields.

SB 1751 ON THIRD READING
(McCall - House Sponsor)

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

SB 1751 was passed. (Finnell recorded voting present, not voting)

SB 996 ON THIRD READING
(Goolsby - House Sponsor)

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

A record vote was requested.

SB 996 was passed by (Record 349): 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; 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; Hodge; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Horn.

Absent — Hochberg; Longoria; Nixon; Siebert; Turner, S.; Williamson.

SB 1301 ON THIRD READING
(Goolsby - House Sponsor)

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

A record vote was requested.

SB 1301 was passed by (Record 350): 137 Yeas, 4 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Craddick; Cuellar; Culberson; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hodge; Holzheuser; 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; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte;

Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Crabb; Finnell; Heflin; Uher.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Horn.

Absent — Chisum; Danburg; Hochberg; McCall; Reyna, E.; Williamson.

SB 297 ON THIRD READING
(Junell - House Sponsor)

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

A record vote was requested.

SB 297 was passed by (Record 351): 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; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; 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; Hodge; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; 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 — Horn.

Absent — Dukes; Hochberg; Patterson.

SB 206 ON THIRD READING
(Eiland and G. Lewis - House Sponsors)

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

Amendment No. 1

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

Amend **SB 206** on third reading by adding a new section, appropriately numbered to read as follows, and renumbering existing sections of the bill appropriately:

SECTION _____. Article 21.14, Insurance Code, is amended by adding Section 20B to read as follows:

Sec. 20B. FULL-TIME SOLICITORS; EMPLOYEES OF LICENSED AGENTS. (a) Any actual full-time salaried employee of any agent licensed under this article may solicit or receive an application for the sale of insurance within the scope of the license of the agent through an oral, written, or electronic communication if the employee is registered with the commissioner in the manner provided by, and subject to the requirements and disciplinary provisions of, Section 20A of this article.

(b) Before an employee of an agent may be registered as provided by this section, the licensed agent shall make any certification required to be made by an insurance carrier under Section 20A.

(c) The commissioner shall adopt rules to implement this section.

Amendment No. 1 was adopted without objection.

Amendment No. 2

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

Amend **SB 206**, on Third Reading, in Section 3 of the bill, added Article 21.15-7, Insurance Code, the last sentence of that article (page 5, line 13, Committee Printing), following "independent agents," insert "life and health agents,".

Amendment No. 2 was adopted without objection.

SB 206, as amended, was passed.

SB 1455 ON THIRD READING (R. Lewis - House Sponsor)

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

A record vote was requested.

SB 1455 was passed by (Record 352): 139 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; 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; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Marchant; Maxey; McCall; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Staples;

Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Zbranek.

Nays — Chisum; Swinford.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Horn.

Absent — Davis; Garcia; Gutierrez; Luna; McClendon; Yarbrough.

STATEMENT OF VOTE

I was shown voting yes on Record No. 352. I intended to vote no.

Keffer

POSTPONED BUSINESS

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

HB 1956 ON SECOND READING (by Counts)

HB 1956, A bill to be entitled An Act relating to certification of certain persons who practice acupuncture.

HB 1956 was read second time on April 25, postponed until May 2, and was again postponed until 10 a.m. today.

Representative Counts moved to postpone consideration of **HB 1956** until 10 a.m. Friday, May 16.

The motion prevailed without objection.

Representative Counts moved to reconsider the vote by which **HB 1956** was postponed until Friday, May 16.

The motion to reconsider prevailed.

Representative Counts moved to postpone consideration of **HB 1956** until 10 a.m. Thursday, May 15.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

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

Kuempel on motion of Holzheuser.

SB 174 ON SECOND READING (Luna and Talton - House Sponsors)

SB 174, A bill to be entitled An Act relating to a fee collected by a prosecutor for collecting and processing a dishonored or forged check or similar sight order.

SB 174 was considered in lieu of **HB 1323**.

SB 174 was read second time and was passed to third reading.

HB 1323 - LAID ON THE TABLE SUBJECT TO CALL

Representative Luna moved to lay **HB 1323** on the table subject to call.

The motion prevailed without objection.

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

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

HB 1104 was read second time on May 5 and was postponed until 10 a.m. today.

Representative Solomons moved to postpone consideration of **HB 1104** until 10 a.m. Monday, May 12.

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

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

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

A record vote was requested.

The motion to table was lost by (Record 353): 50 Yeas, 88 Nays, 1 Present, not voting.

Yeas — Burnam; Clark; Crabb; Craddick; Culberson; Davila; Davis; Denny; Driver; Ehrhardt; Finnell; Galloway; Giddings; Goolsby; Gutierrez; Hamric; Heflin; Hightower; Hill; Hirschi; Hodge; Holzheuser; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, J.; King; Longoria; Madden; Marchant; McCall; Merritt; Mowery; Nixon; Pitts; Puente; Rabuck; Reyna, A.; Reyna, E.; Seaman; Staples; Talton; Uher; West; Williams; Wohlgemuth; Wolens; Zbranek.

Nays — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bosse; Brimer; Carter; Chavez; Chisum; Christian; Coleman; Cook; Corte; Cuellar; Danburg; Delisi; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Farrar; Flores; Gallego; Garcia; Glaze; Goodman; Gray; Greenberg; Grusendorf; Haggerty; Hartnett; Hawley; Hernandez; Hilbert; Hilderbran; Hinojosa; Hochberg; Janek; Junell; Kamel; Keel; Keffer; Krusee; Kubiak; Lewis, G.; Lewis, R.; Luna; Maxey; McClendon; McReynolds; Moffat; Moreno; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Place; Price; Rangel; Raymond; Roman; Sadler; Serna; Shields; Siebert; Smith; Smithee; Solis; Solomons; Stiles; Swinford; Thompson; Torres; Turner, B.; Turner, S.; Van de Putte; Williamson; Wilson; Wise; Woolley; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Horn; Kuempel.

Absent — Bonnen; Counts; Jackson; Ramsay; Rhodes; Telford; Tillery; Walker.

HB 92 was passed. (Finnell, Puente, and Uher recorded voting no)

HR 854 - ADOPTED
(by Corte)

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

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 854, Welcoming the visiting students from Agropoli, Italy, to the State Capitol.

HR 854 was read and was adopted without objection.

On motion of Representatives A. Reyna and Berlanga, the names of all the members of the house were added to **HR 854** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Agriculture and Livestock, on recess today, Desk 17, to consider **SB 1639**.

Higher Education, on recess today, Desk 118, to consider **HB 2993** and **SB 1776**.

Judicial Affairs, on recess today, Desk 67.

Financial Institutions, on recess today, Desk 27, to consider pending business.

Energy Resources, on recess today, Desk 18, to consider **SB 665** and **SB 925**.

Transportation, 9 a.m. Friday, May 9, E2.028, Capitol Extension.

RECESS

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

The motion prevailed without objection.

The house accordingly, at 12:12 p.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.

HB 3490 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 3490, A bill to be entitled An Act relating to the Texas Experimental Research and Recovery Activity (TERRA) of the Railroad commission of Texas.

On motion of Representative Holzheuser, the house concurred in senate amendments to **HB 3490**. (Finnell recorded voting present, not voting)

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

Amend **HB 3490** as follows:

(1) Add a new SECTION 3 to the bill by amending Section 93.042, Natural Resources Code to read as follows and renumber subsequent sections of the bill appropriately:

The commission, while a well is in the TERRA program, shall assume all well plugging duties for the well and, with the exception of the compliance requirements of a valid TERRA license holder, all pollution prevention and control responsibilities. The commission shall conduct annual inspections and appropriate tests to ensure the continuing integrity of the wellbore. The commission shall keep and retain the necessary records to prove compliance with this requirement.

Senate Amendment No. 2

Amend **HB 3490** as follows:

(1) Insert "(2)" between "described by Subsection (e)" and "." in Section 93.004 of SECTION 1 of the bill (Committee Printing page 2, line 1).

(2) Strike SECTION 4 of the bill (Committee Printing, page 2, line 17-21) and substitute the following:

"SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house is suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 2577 ON SECOND READING
(by Hill, Ehrhardt, Cuellar, Coleman, Bailey, et al.)**

CSHB 2577, A bill to be entitled An Act relating to the Texas Department of Housing and Community Affairs.

Amendment No. 1

Representative Hill offered the following amendment to **CSHB 2577**:

Amend **CSHB 2577** as follows:

On page 24, line 25, strike "two".

Amendment No. 1 was adopted 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. 2 and 3).

CSHB 2577 - (consideration continued)

Amendment No. 2

Representative Dukes offered the following amendment to **CSHB 2577**:

Amend **CSHB 2577** by inserting the following appropriately numbered sections and by renumbering the subsequent sections of the bill accordingly:

SECTION __. Section 395.016, Local Government Code, is amended by adding Subsection (g) to read as follows:

(g) Notwithstanding Subsections (a)-(e) and Section 395.017, the political subdivision may reduce or waive an impact fee for any service unit that would qualify as affordable housing under 42 U.S.C. Section 12745, as amended, once the service unit is constructed. If affordable housing as defined by 42 U.S.C. Section 12745, as amended, is not constructed, the political subdivision may reverse its decision to waive or reduce the impact fee, and the political subdivision may assess an impact fee at any time during the development approval or building process or after the building process if an impact fee was not already assessed.

SECTION __. Section 395.016(g), Local Government Code, as added by this Act, applies to any assessed or unassessed impact fee that is not collected before the effective date of this Act. An impact fee that is collected before the effective date of this Act is governed by the law in effect on the day it was collected, and the former law is continued in effect for that purpose.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Dukes offered the following amendment to **CSHB 2577**:

Amend **CSHB 2577** by adding the following section to the bill, appropriately numbered, and renumbering subsequent sections of the bill accordingly:

SECTION __. Effective January 1, 1998, Subchapter B, Chapter 23, Tax Code, is amended by adding Section 23.21 to read as follows:

Sec. 23.21. PROPERTY USED TO PROVIDE AFFORDABLE HOUSING. In appraising real property that is rented or leased to a low-income individual or family meeting income-eligibility standards established by the owner of the property under regulations or restrictions limiting to a percentage of the individual's or the family's income the amount that the individual or family may be required to pay for the rental or lease of the property, the chief appraiser shall take into account the extent to which that use and limitation reduce the market value of the property.

Amendment No. 3 was adopted without objection.

CSHB 2577, as amended, was passed to engrossment.

CSHB 2778 ON SECOND READING
(by Junell)

CSHB 2778, A bill to be entitled An Act relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

Amendment No. 1

On behalf of Representative Place, Representative Junell offered the following amendment to **CSHB 2778**:

Amend **CSHB 2778** as follows:

(1) Between SECTIONS 27 and 28 of the bill (House Committee Report, page 47, between lines 24 and 25), insert a new appropriately numbered section to read as follows:

SECTION ____ . TARLETON STATE UNIVERSITY. The following sum of money is appropriated out of the General Revenue Fund No. 001 for payment of itemized claims against the State of Texas:

To pay Tarleton State University as reimbursement for payment of a settlement in the case of Randy Rosiere v. Barry Thompson et al. \$200,000.00

(2) Renumber subsequent sections accordingly.

Amendment No. 1 was adopted without objection.

CSHB 2778, as amended, was passed to engrossment.

CSHB 99 ON SECOND READING
(by Gray, Oliveira, and G. Lewis)

CSHB 99, A bill to be entitled An Act relating to the funding and operation of certain emergency management and disaster relief programs.

Amendment No. 1

Representative Gray offered the following amendment to **CSHB 99**:

Amend **CSHB 99**, page 10, lines 6-7 by striking "imposed on or after January 1, 1998. An assessment imposed before January 1, 1998," and substituting "imposed on or after September 1, 1997. An assessment imposed before September 1, 1997,".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Haggerty offered the following amendment to **CSHB 99**:

Amend **CSHB 99** on page 9, line 11 by adding sub-section (g) to read as follows:

(g) The assessment imposed by this section shall not apply to any investor-owned electric utility reorganized under a plan of reorganization that has been confirmed by a federal bankruptcy court if such utility cannot adjust its rates to recover the assessment.

Amendment No. 2 was adopted without objection.

CSHB 99, as amended, was passed to engrossment.

CSHB 1662 ON SECOND READING
(by Counts)

CSHB 1662, A bill to be entitled An Act relating to rates for certain lines of insurance.

Representative Counts moved to postpone consideration of **CSHB 1662** until 2:30 p.m. today.

The motion prevailed without objection.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

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, postponed until May 5, and was again postponed until 2 p.m. today.

Representative Chisum moved to table **CSHB 1700**.

A record vote was requested.

The motion to table was lost by (Record 354): 65 Yeas, 75 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bonnen; Carter; Chisum; Christian; Corte; Crabb; Craddock; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Galloway; Grusendorf; Hamric; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Junell; Keffer; Krusee; Lewis, R.; Madden; Marchant; McCall; Moffat; Mowery; Nixon; Olivo; Palmer; Pitts; Rabuck; Ramsay; Reyna, E.; Roman; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

Nays — Alvarado; Bailey; Berlanga; Bosse; Brimer; Burnam; Chavez; Coleman; Cook; Counts; Cuellar; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; Kamel; Keel; King; Kubiak; Lewis, G.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Patterson; Pickett; Place; Price; Puente; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbranek.

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

Absent, Excused — Horn; Kuempel.

Absent — Clark; Goolsby; Haggerty; Hartnett; Merritt.

STATEMENTS OF VOTE

When Record No. 354 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hartnett

I was shown voting yes on Record No. 354. I intended to vote no.

Serna

Amendment No. 1

Representative Rangel offered the following amendment to **CSHB 1700**:

Amend **CSHB 1700** as follows:

(1) On page 1, line 19, strike the second "or" and substitute "for illness or injury".

(2) On page 1, strike lines 20-24.

(3) On page 2, line 1, strike "~~or intervention that has a significant recovery period, presents a significant risk, employs a general anesthetic, or, in the opinion of the primary physician, involves a significant invasion of bodily integrity that requires the extraction of bodily fluids or an incision or that produces substantial pain, discomfort, or debilitation~~".

(4) On page 2, line 2, strike "substantially similar [comparable]" and substitute "comparable".

(5) On page 2, strike lines 5-19 and substitute the following:
Code). The board of trustees of the Teacher Retirement System of Texas shall adopt rules to determine whether a school district's group health coverage is comparable to the basic health coverage specified by this subsection. The rules must provide for consideration of the following factors concerning the district's coverage in determining whether the district's coverage is comparable to the basic health coverage specified by this subsection:

(1) the deductible amount for service provided inside and outside of the network;

(2) the coinsurance percentages for service provided inside and outside of the network;

(3) the maximum amount of coinsurance payments a covered person is required to pay;

(4) the cost of coverage;

(5) the amount of the copayment for an office visit;

(6) the schedule of benefits and the scope of coverage;

(7) the lifetime maximum benefit amount; and

(8) verification that the coverage is issued by a provider licensed to do business in this state by the Texas Department of Insurance or that a district is capable of covering the assumed liabilities in the case of coverage provided through district self-insurance.

(6) On page 2, line 21, strike "to the extent authorized under Subsection (a)".

(7) On page 3, strike lines 11 and 12 and substitute the following:

(3) the premium rate sheet, including the amount paid by the district and employees;

(4) the number of employees covered by each health coverage plan offered by the district; and

(8) On page 3, line 13, strike "(4)" and substitute "(5)".

(9) On page 3, line 17, strike "substantially similar" and substitute "comparable".

(10) On page 3, line 22, strike "substantially similar" and substitute "comparable".

(11) On page 3, line 27, between "based on" and "the certification", insert "the report submitted by the school district and".

(Sadler in the chair)

Amendment No. 2

Representative Chisum offered the following amendment to Amendment No. 1:

Amend the Rangel amendment to **CSHB 1700** on page 2 by striking line 6 and renumbering Subdivisions (5)-(8) (page 2, lines 7-15) appropriately.

Representative Rangel moved to table Amendment No. 2.

A record vote was requested.

The motion to table was lost by (Record 355): 64 Yeas, 72 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Coleman; Cook; Counts; Cuellar; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hirschi; Hochberg; Hodge; Jones, J.; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Pickett; Price; Puente; Rangel; Raymond; Reyna, A.; Serna; Solis; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbrank.

Nays — Allen; Averitt; Bonnen; Brimer; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Eiland; Elkins; Finnell; Galloway; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keel; Keffer; Kruse; Kubiak; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Olivo; Palmer; Patterson; Pitts; Rabuck; Ramsay; Reyna, E.; Rhodes; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Turner, B.; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

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

Absent, Excused — Horn; Kuempel.

Absent — Danburg; Driver; Goolsby; Grusendorf; Hinojosa; Junell; King; Oliveira; Place.

STATEMENT OF VOTE

When Record No. 355 was taken, I was in the house but away from my desk. I would have voted no.

Place

LEAVES OF ABSENCE GRANTED

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

Driver on motion of Eiland.

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

Price on motion of Ramsay.

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).

CSHB 1700 - (consideration continued)

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Chisum offered the following amendment to Amendment No. 1:

Amend the Rangel amendment on **CSHB 1700** as follows:

(1) On page 2, between lines 17 and 18, insert:

(7) On page 2, line 18, between "Insurance" and "or", insert ", be provided by a risk pool authorized under Chapter 172, Local Government Code,".

(2) Renumber the subsequent subdivisions of the amendment appropriately.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Chisum offered the following amendment to Amendment No. 1:

Amend the Rangel amendment on **CSHB 1700** on page 3, following subdivision (11) of the amendment (page 3, line 4), by inserting the following appropriately numbered subdivision:

(_) On page 4, line 21, strike "1997-1998" and substitute "1998-1999".

Amendment No. 4 was adopted without objection.

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

(Speaker in the chair)

A record vote was requested.

CSHB 1700, as amended, was passed to engrossment by (Record 356): 77 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bosse; Burnam; Chavez; Clark; Coleman; Cook; Counts; Cuellar; Culberson; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hamric; Hernandez; Hightower; Hinojosa; Hirschi; Hochberg; Hodge; Jones, J.; Junell; Keel; King;

Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Olivo; Patterson; Pickett; Place; Puente; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Sadler; Serna; Solis; Stiles; Telford; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Wilson; Wise; Yarbrough; Zbranek.

Nays — Allen; Averitt; Brimer; Carter; Chisum; Christian; Corte; Crabb; Craddick; Delisi; Denny; Elkins; Finnell; Galloway; Grusendorf; Haggerty; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Keffer; Krusee; Madden; Marchant; McCall; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Ramsay; Roman; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Uher; Walker; West; Williams; Williamson; Wohlgemuth; Woolley.

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

Absent, Excused — Driver; Horn; Kuempel; Price.

Absent — Bonnen; Gallego; Goolsby; Hawley; Oliveira; Thompson; Wolens.

STATEMENTS OF VOTE

When Record No. 356 was taken, I was in the house but away from my desk. I would have voted no.

Bonnen

When Record No. 356 was taken, I was meeting with constituents just outside the house chamber. I would have voted yes.

Gallego

When Record No. 356 was taken, I was in the house but away from my desk. I would have voted yes.

Hawley

COMMITTEE GRANTED PERMISSION TO MEET

Representative Pitts requested permission for the conference committee on **SB 99** to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference committee on **SB 99**, 4 p.m. today, E1.016, Capitol Extension.

CSHB 1662 ON SECOND READING (by Counts)

CSHB 1662, A bill to be entitled An Act relating to rates for certain lines of insurance.

CSHB 1662 was read second time earlier today and was postponed until 2:30 p.m. today.

Representative Shields raised a point of order against further consideration of **CSHB 1662** under Rule 4, Section 18(c) of the House Rules on the grounds that the minutes for the formal meeting during which the bill was reported were not timely filed.

The speaker sustained the point of order.

The bill was returned to the Committee on Insurance.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **SB 99**:

Uher on motion of R. Lewis.

Alexander on motion of R. Lewis.

Pitts on motion of R. Lewis.

Siebert on motion of R. Lewis.

Counts on motion of R. Lewis.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Smithee requested permission for the Committee on Insurance to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Insurance, 3:50 p.m. today, speakers committee room.

CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING

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

HJR 73 ON SECOND READING (by Chisum and Rabuck)

HJR 73, A joint resolution proposing a constitutional amendment authorizing counties to maintain private roads that are used by public school buses.

Amendment No. 1

Representative Grusendorf offered the following amendment to **HJR 73**:

Amend **HJR 73** as follows:

Line 6 add "of under 30,000" between "county" and "may"

Line 7 add "free" between "public" and "school"

Line 8 add "free" between "public" and "school"

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Galloway offered the following amendment to **HJR 73**:

Amend **HJR 73** on page 1, line 8 (Committee Printing) between "school." and "The" by inserting:

Before a county considers authorizing the maintenance of a private road, the county commissioner's court shall publish in a newspaper of general circulation in the county notice of the court's intention to consider the matter in a public hearing. The notice must include the time, date, and place of the public hearing and must be published at least once each week for the three weeks preceding the public hearing.

Amendment No. 2 was withdrawn.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 5).

HJR 73 - (consideration continued)

Representative R. Lewis moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider was withdrawn.

Representative Chisum moved to postpone consideration of **HJR 73** until 10 a.m. Friday, May 9.

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 2877 ON THIRD READING
(by Greenberg, Naishtat, Maxey, Keel, and Dukes)**

HB 2877, A bill to be entitled An Act relating to the issuance of bonds for projects by the Texas Public Finance Authority.

A record vote was requested.

HB 2877 was passed by (Record 357): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Crabb; Craddick; Cuellar; Culberson; Davila; Davis; Delisi; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; 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; Kamel; Keel; Keffer; King; Krusee; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; Merritt; Moffat; Moreno; Mowery; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Smith; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Horn; Kuempel; Price.

Absent, Excused, Committee Meeting — Alexander; Counts; Pitts; Siebert; Uher.

Absent — Danburg; Haggerty; McReynolds; Naishtat; Reyna, E.

STATEMENT OF VOTE

When Record No. 357 was taken, I was in the house but away from my desk. I would have voted yes.

McReynolds

LEAVES OF ABSENCE GRANTED

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

Junell on motion of R. Lewis.

Delisi on motion of R. Lewis.

Swinford on motion of R. Lewis.

Coleman on motion of R. Lewis.

Gallego on motion of R. Lewis.

HB 318 ON THIRD READING (by Cuellar, et al.)

HB 318, A bill to be entitled An Act relating to the public education grant program.

A record vote was requested.

HB 318 was passed by (Record 358): 122 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Crabb; Craddick; Cuellar; Culberson; Davila; Davis; Denny; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Finnell; Flores; Galloway; Garcia; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.;

Jones, J.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Lewis, G.; Longoria; Luna; Madden; Maxey; McCall; McClendon; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Horn; Kuempel; Price.

Absent, Excused, Committee Meeting — Alexander; Coleman; Counts; Delisi; Gallego; Junell; Pitts; Siebert; Swinford; Uher.

Absent — Danburg; Dukes; Eiland; Giddings; Glaze; Haggerty; Hartnett; Lewis, R.; Marchant; McReynolds; Reyna, E.; Williamson.

STATEMENTS OF VOTE

When Record No. 358 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 358 was taken, I was in the house but away from my desk. I would have voted yes.

Hartnett

HB 1553 ON THIRD READING (by Yarbrough)

HB 1553, A bill to be entitled An Act relating to court costs assessed for certain offenses to provide funding for child safety programs.

HB 1553 was passed. (Madden and Talton recorded voting no)

HB 1518 ON THIRD READING (by Farrar, Puente, Davila, and Hernandez)

HB 1518, A bill to be entitled An Act relating to an exemption from ad valorem taxation of the property of a neighborhood association.

HB 1518 was passed. (Keel recorded voting no)

HB 1708 ON THIRD READING (by G. Lewis)

HB 1708, A bill to be entitled An Act relating to assignment of certain premium tax credits.

HB 1708 was passed.

HB 1780 ON THIRD READING (by Greenberg, et al.)

HB 1780, A bill to be entitled An Act relating to the purchase of service credit in the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

HB 1780 was passed.

HB 1945 ON THIRD READING
(by Naishtat)

HB 1945, A bill to be entitled An Act relating to the establishment of caseload standards for certain employees of the Texas Department of Human Services or the Department of Protective and Regulatory Services.

HB 1945 was passed.

HB 1176 ON THIRD READING
(by Allen)

HB 1176, A bill to be entitled An Act relating to public access to conviction and deferred adjudication information and to certain sex offender registration information maintained by the Department of Public Safety.

HB 1176 was passed.

HB 1610 ON THIRD READING
(by B. Turner)

HB 1610, A bill to be entitled An Act relating to a requirement of filing of a release of a judgment lien for ad valorem taxes on payment of the amount of the judgment.

HB 1610 was passed.

HB 1117 ON THIRD READING
(by Giddings)

HB 1117, A bill to be entitled An Act relating to the creation and powers of a neighborhood empowerment zone.

A record vote was requested.

HB 1117 was passed by (Record 359): 130 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; 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.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williamson; Wilson; Wise; Wohlgenuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Horn; Kuempel; Price.

Absent, Excused, Committee Meeting — Alexander; Coleman; Counts; Delisi; Gallego; Junell; Pitts; Siebert; Swinford; Uher.

Absent — Eiland; Marchant; Merritt; Williams.

HB 2257 ON THIRD READING
(by Luna and Allen)

HB 2257, A bill to be entitled An Act relating to the audit required for forfeited property and proceeds received by a law enforcement agency or an attorney representing the state.

HB 2257 was passed. (Keel recorded voting no)

HB 2776 ON THIRD READING
(by Jackson)

HB 2776, A bill to be entitled An Act relating to the regulation of state superfund sites.

HB 2776 was passed.

HB 1789 ON THIRD READING
(by G. Lewis)

HB 1789, A bill to be entitled An Act relating to reductions by certain insurers in writing or in the authority of agents to bind or solicit certain types of personal lines insurance.

Amendment No. 1

Representative G. Lewis offered the following amendment to **HB 1789**:

Amend **HB 1789** on 3rd reading to add at the end of subsection (a)(2) the following:

However, in the event of a conflict between subsection (a)(1) and (a)(2), where not accepting new business may result in a withdrawal as defined in subsection (a)(1), subsection (a)(1) controls.

(3) "Rating territory" means a rating territory established by the Texas Department of Insurance.

Amendment No. 1 was adopted without objection.

HB 1789, as amended, was passed.

HB 540 ON THIRD READING
(by Serna)

HB 540, A bill to be entitled An Act relating to educational programs offered to colonia residents by the Texas Department of Housing and Community Affairs.

HB 540 was passed.

HB 793 ON THIRD READING
(by Merritt, Ramsay, et al.)

HB 793, A bill to be entitled An Act relating to notice that entry on property is forbidden for the purpose of prosecuting the offense of trespass.

HB 793 was passed.

HB 1755 ON THIRD READING
(by Burnam)

HB 1755, A bill to be entitled An Act relating to a mortgage guaranty insurance policy.

Amendment No. 1

Representative Burnam offered the following amendment to **HB 1755**:

Amend **HB 1755** on Third Reading by striking Section 1B(c) as added to Article 21.50, Insurance Code, and redesignating Subsection (d) of Section 1B as Subsection (c).

Amendment No. 1 was adopted without objection.

HB 1755, as amended, was passed.

HB 1483 ON THIRD READING
(by Danburg, Denny, J. Jones, Gallego, Madden, et al.)

HB 1483, A bill to be entitled An Act relating to certain early voting processes and procedures; providing a criminal penalty.

HB 1483 was passed.

HB 2061 ON THIRD 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.

Amendment No. 1

Representative Van de Putte offered the following amendment to **HB 2061**:

Amend **HB 2061** on Third Reading as follows:

(1) In added Section 51.9095(b), Education Code, strike "seeks to enroll in the same institution or" in the first sentence and "seeks to enroll in the institution or" in the second sentence.

(2) In Section 2(a) of the bill, strike "the form for a statement" and substitute "the statement".

Amendment No. 1 was adopted without objection.

HB 2061, as amended, was passed.

HB 3269 ON THIRD READING
(by Berlanga)

HB 3269, A bill to be entitled An Act relating to requirements for evidences of coverages issued by health maintenance organizations.

HB 3269 was passed.

HB 2129 ON THIRD READING
(by Carter)

HB 2129, A bill to be entitled An Act relating to the administration and financing of wireless service providers of 9-1-1 service.

HB 2129 was passed.

HB 3513 ON THIRD READING
(by Greenberg)

HB 3513, A bill to be entitled An Act relating to the position classification plan for state employees.

HB 3513 was passed.

HB 3391 ON THIRD READING
(by Smithee)

HB 3391, A bill to be entitled An Act relating to the licensing of banks as insurance agents; providing a penalty.

Amendment No. 1

Representative Smithee offered the following amendment to **HB 3391**:

Amend **HB 3391**, second reading engrossment, as follows:

- (1) On page 43, line 16, between "of the bank," and "in", insert "or".
- (2) On page 43, lines 17-18, strike "or using a name identifiable with the bank,".
- (3) On page 44, line 10, between "of a bank," and "in connection with", insert "or".
- (4) On page 44, lines 11-12, strike ", or using a name identifiable with a bank".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Smithee offered the following amendment to **HB 3391**:

Amend **HB 3391**, second reading engrossment, on page 47, between lines 3 and 4, by inserting:

(e) This section does not apply to a credit life, credit accident and health, credit property, or credit involuntary unemployment insurance policy that is otherwise specifically authorized by this code, approved for sale in this state, and sold in connection with a credit transaction.

Amendment No. 2 was adopted without objection.

A record vote was requested.

HB 3391, as amended, was passed by (Record 360): 130 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Cook; Corte; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Farrar; Finnell; Flores; 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.; Kamel; Keel; Keffer; King; Krusee; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat;

Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Place; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Smith; Smithee; Solis; Solomons; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Zbranek.

Nay — Eiland.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Horn; Kuempel; Price.

Absent, Excused, Committee Meeting — Alexander; Coleman; Counts; Delisi; Gallego; Junell; Pitts; Siebert; Swinford; Uher.

Absent — Chisum; Galloway; Yarbrough.

STATEMENT OF VOTE

When Record No. 360 was taken, I was temporarily out of the house chamber. I would have voted yes.

Galloway

HB 1144 ON THIRD READING

(by B. Turner, et al.)

HB 1144, A bill to be entitled An Act relating to the consolidation of herbicide, pesticide, and agricultural workplace chemical laws under the jurisdiction of the Department of Agriculture.

HB 1144 was passed.

HB 2629 ON THIRD READING

(by A. Reyna and Smith)

HB 2629, A bill to be entitled An Act relating to the punishment for certain assaults committed against employees of primary or secondary schools.

HB 2629 was passed.

HB 942 ON THIRD READING

(by Hilderbran, et al.)

HB 942, A bill to be entitled An Act relating to the AFDC and Medicaid benefits to children born to AFDC recipients.

HB 942 was passed. (Davila, Maxey, and Naishtat recorded voting no)

HB 1209 ON THIRD READING

(by Maxey)

HB 1209, A bill to be entitled An Act relating to payments to vendors doing business with state government.

HB 1209 was passed.

HB 1791 ON THIRD READING
(by Alexander)

HB 1791, A bill to be entitled An Act relating to the lamps and lights on vehicles operated on highways; providing a penalty.

Amendment No. 1

On behalf of Representative Alexander, Representative Pickett offered the following amendment to **HB 1791**:

Amend **HB 1791** as follows:

Strike SECTION 1 and SECTION 3 of the bill and renumber the subsequent sections appropriately.

Amendment No. 1 was adopted without objection.

HB 1791, as amended, was passed.

HB 1561 ON THIRD READING
(by Smith)

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

HB 1561 was passed.

HB 820 ON THIRD READING
(by Cuellar, Coleman, Maxey, Dukes, Naishtat, et al.)

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

HB 820 was passed.

HB 1665 ON THIRD READING
(by Oliveira)

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

HB 1665 was passed.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 2063 ON SECOND READING
(by Van de Putte)

CSHB 2063, A bill to be entitled An Act relating to coverage under a group health benefit plan for diagnosis and treatment of certain conditions affecting the temporomandibular joint.

CSHB 2063 was passed to engrossment.

HB 2029 ON SECOND READING
(by B. Turner)

HB 2029, A bill to be entitled An Act relating to retirement because of disability under the Employees Retirement System of Texas.

HB 2029 was passed to engrossment.

HB 2626 ON SECOND READING
(by Delisi)

HB 2626, A bill to be entitled An Act relating to the creation of a statewide preceptorship program in public health settings.

HB 2626 was passed to engrossment.

HB 2915 ON SECOND READING
(by Oliveira, Maxey, Naishtat, and Greenberg)

HB 2915, A bill to be entitled An Act relating to retirement benefits for certain state employees whose state jobs are lost as a result of contracts to provide services previously provided by the state and to benefits under the contracts.

(Alexander now present)

Amendment No. 1

Representative Oliveira offered the following amendment to **HB 2915**:

Amend **HB 2915** as follows:

(1) on page 2, line 25, after "receive" and before "employee", insert "compensation and"; and

(2) on page 2, line 27, strike "compensation".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Wohlgenuth offered the following amendment to **HB 2915**:

Amend **HB 2915** as follows:

(1) Strike Sections 2 and 3 of the Bill; and

(2) renumber subsequent sections appropriately.

(Pitts, Siebert, and Uher now present)

Representative Oliveira moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 361): 81 Yeas, 56 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berlanga; Bosse; Brimer; Burnam; Chavez; Cuellar; Danburg; Davila; Davis; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Hernandez; Hightower; Hilderbran; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Jones, J.; Keel; King; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon;

McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Patterson; Pickett; Place; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Seaman; Serna; Solis; Staples; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Bonnen; Carter; Chisum; Christian; Clark; Cook; Corte; Crabb; Craddick; Culberson; Denny; Elkins; Finnell; Galloway; Goolsby; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hill; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Kamel; Keffer; Krusee; Marchant; Merritt; Moffat; Mowery; Nixon; Palmer; Pitts; Rabuck; Reyna, E.; Roman; Shields; Siebert; Smith; Smithee; Solomons; Talton; Walker; West; Williams; Williamson; Wohlgenuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Horn; Kuempel; Price.

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

Absent — Stiles.

Amendment No. 3

Representative Wohlgenuth offered the following amendment to **HB 2915**:

Amend **HB 2915** as follows:

(1) On page 2, line 25, after "entity", insert "employed under the contract"

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Staples offered the following amendment to **HB 2915**:

Amend **HB 2915** on page 2, line 26, immediately following the period, by inserting "The contract must provide that the private entity shall maintain the comparable compensation and benefits for a term of not less than four years after the date the contract is entered into."

Amendment No. 4 was withdrawn.

HB 2915, as amended, was passed to engrossment. (Chisum, Corte, Craddick, Heflin, Howard, Janek, Keffer, Marchant, Shields, and Talton recorded voting no)

HB 2874 ON SECOND READING (by Goodman, et al.)

HB 2874, A bill to be entitled An Act relating to compilation of information pertaining to a criminal combination.

HB 2874 was passed to engrossment.

CSHB 3007 ON SECOND READING (by Smithee)

CSHB 3007, A bill to be entitled An Act relating to reserves maintained by title insurers.

Representative Smithee moved to postpone consideration of **CSHB 3007** until 10 a.m. Monday, May 12.

The motion prevailed without objection.

HB 2488 ON SECOND READING
(by Staples)

HB 2488, A bill to be entitled An Act relating to the interview of a child in chambers in a suit affecting the parent-child relationship.

HB 2488 was passed to engrossment.

HB 2462 ON SECOND READING
(by Pitts)

HB 2462, A bill to be entitled An Act relating to authorizing a single county to create a rural rail transportation district.

HB 2462 was passed to engrossment.

(Counts now present)

CSHB 1958 ON SECOND READING
(by Hawley)

CSHB 1958, A bill to be entitled An Act relating to the imposition, collection, and administration of LPG delivery fees.

Representative Hawley moved to postpone consideration of **CSHB 1958** until after **CSHB 1909**.

The motion prevailed without objection.

CSHB 841 ON SECOND READING
(by Jackson and Gray)

CSHB 841, A bill to be entitled An Act relating to voting procedures for persons on a space flight.

CSHB 841 was passed to engrossment.

CSHB 1425 ON SECOND READING
(by Dunnam)

CSHB 1425, A bill to be entitled An Act relating to appeal of certain court orders and judgments relating to arbitration.

CSHB 1425 was passed to engrossment.

CSHB 1909 ON SECOND READING
(by Maxey)

CSHB 1909, A bill to be entitled An Act relating to the methods used to extend the period of supported employment for recipients of Temporary Assistance for Needy Families.

CSHB 1909 was passed to engrossment.

HB 699 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 699, A bill to be entitled An Act relating to the requirements for licensing as a professional counselor.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 699**.

Senate Amendment No. 1

Amend **HB 699** as follows:

(1) Add a new SECTION 1 of the bill as follows (committee report page 1, line 11), and renumber subsequent sections accordingly:

SECTION 1. Subsection (a), Section 3, Licensed Professional Counselor Act (Article 4512g, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Except as provided by Subsection (b) of this section, this Act does not apply to:

(1) the activities and services of or use of an official title by a person employed as a counselor by a federal, state, county, or municipal agency or public or private educational institution, if the person is performing counseling or counseling-related activities within the scope of his employment;

(2) the activities and services of a student, intern, or trainee in counseling pursuing a course of study in counseling in a regionally accredited institution of higher education or training institution, if these activities and services constitute a part of the supervised course of study and the person is designated a "counselor intern";

(3) the activities and services of a nonresident rendered not more than 30 days during any year, if the person is authorized to perform the activities and services under the law of the state or country of his residence;

(4) the activities and services of members of other professions licensed or certified by the state, such as physicians, registered nurses, psychologists, certified social workers, licensed marriage and family therapists, licensed chemical dependency counselors, licensed physician assistants, licensed occupational therapists, licensed optometrists in the evaluation and remediation of learning or behavioral disabilities associated with or caused by a defective or abnormal condition of vision, Christian Science practitioners who are recognized by the Church of Christ Scientist as registered and published in the Christian Science Journal, or other recognized religious practitioners performing counseling consistent with the law of the state, their training, and any code of ethics of their professions, if they do not represent themselves by any title or description in the manner prescribed by Section 2 of this Act;

(5) the activities, services, titles, and descriptions of persons licensed to practice law;

(6) the activities, services, titles, and descriptions of persons employed as professionals or who are volunteers in the practice of counseling for public and private nonprofit organizations or charities who are accountable to the persons' sponsoring organization and do not use the title or hold themselves out to be licensed counselors; [or]

(7) the activities, services, titles, and descriptions of persons certified by the Commission on Rehabilitation Counselor Certification or the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists

performing counseling consistent with the law of the state, their training, and any code of ethics of their profession and who do not use the title or hold themselves out to be licensed counselors; or

(8) persons owning, operating, or employed by a certified career counseling service regulated under Chapter 222, Acts of the 70th Legislature, Regular Session, 1987 (Article 5221a-8, Vernon's Texas Civil Statutes).

(2) In SECTION 2 (committee report page 1, line 47) before "This Act" add "(a)"

(3) In SECTION 2 (committee report page 1, line 47) strike ", and" and substitute "."

(4) In SECTION 2 (committee report page 1, line 48) before "applies" insert the following:

"(b) The change in law made by Section 2 of the Act"

RULES SUSPENDED

Representative Oakley moved to suspend the 5-day posting rule to allow the Committee on Public Safety to consider **SB 187**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Safety, on adjournment today, Desk 43, to consider pending business.

County Affairs, 8:30 a.m. Friday, May 9, speakers committee room.

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

Public Health, on adjournment today, E2.026, Capitol Extension.

Ways and Means, on adjournment today, Desk 70.

Natural Resources, on adjournment today, Desk 9, to consider **HB 328**.

HB 1864, SB 78, and SB 185 - RECOMMITTED

Representative Place moved to recommit **HB 1864, SB 78, and SB 185** to the Committee on Criminal Jurisprudence.

The motion prevailed without objection.

STATEMENT OF VOTE

I was shown voting yes on Record No. 326. I intended to vote no.

Hawley

ADJOURNMENT

Representative D. Jones moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 5:39 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

HCR 235 (by G. Lewis), Honoring the Texas Association of African American Chambers of Commerce and declaring May 5-9, 1997, as Chamber of Commerce Week in Texas.

To Rules & Resolutions.

HCR 236 (by Olivo), Honoring Judge Jodie E. Stavinoha.

To Rules & Resolutions.

HCR 237 (by Rangel), Honoring Commissioner Kenneth H. Ashworth of the Texas Higher Education Coordinating Board on the occasion of his retirement.

To Rules & Resolutions.

HCR 238 (by Merritt, et al.), Conferring the Texas Legislative Medal of Honor on Technical Sergeant James M. Logan.

To State, Federal & International Relations.

HCR 239 (by Hunter, B. Turner, Counts, Hinojosa, and Price), Honoring Brigadier General Bertus Leroy Sisco of the Texas State Guard.

To Rules & Resolutions.

HCR 240 (by Davis and Goolsby), Honoring E. James Bowles for his many years of service with the American Association of Retired Persons.

To Rules & Resolutions.

HCR 241 (by Davis), Honoring Leo L. Baker for his service to senior citizens.

To Rules & Resolutions.

HR 806 (by Kubiak), Honoring the Brazos County Precinct 4 Fire Department.

To Rules & Resolutions.

HR 807 (by Kubiak), Honoring Buddy R. Dulin on his retirement as superintendent of the Cameron Independent School District.

To Rules & Resolutions.

HR 808 (by Davis), Honoring the Texas African American Heritage Organization, Inc., on its 10th anniversary.

To Rules & Resolutions.

HR 809 (by Counts), In memory of Forrest Neil Perdue.

To Rules & Resolutions.

HR 810 (by Hunter), Honoring Brigadier General Bertus Leroy Sisco of the Texas State Guard.

To Rules & Resolutions.

HR 811 (by Giddings), Congratulating Jeddie Alexander on receiving the 1996 Ronald Pearce Blind Employee of the Year Award.

To Rules & Resolutions.

HR 812 (by Maxey), Congratulating Barbra Dorr on her graduation from The University of Texas at Austin.

To Rules & Resolutions.

HR 813 (by Maxey), Honoring Buck Breland on the occasion of his graduation from the Lyndon B. Johnson School of Public Affairs.

To Rules & Resolutions.

HR 815 (by G. Lewis), Honoring the Women's Division of the Fort Worth Metropolitan Black Chamber of Commerce and recognizing May 5-9, 1997, as Chamber of Commerce Week in Texas.

To Rules & Resolutions.

HR 816 (by G. Lewis), Honoring the Everman Chamber of Commerce and recognizing May 5-9, 1997, as Chamber of Commerce Week in Texas.

To Rules & Resolutions.

HR 819 (by Clark), Honoring Johnny and Kathryn Watson on the occasion of their 50th wedding anniversary.

To Rules & Resolutions.

HR 820 (by Clark), Honoring Willie "Bill" and Jewell Dean Rumsey on the occasion of their 50th wedding anniversary.

To Rules & Resolutions.

HR 822 (by Serna), Honoring Araceli Valdez.

To Rules & Resolutions.

HR 826 (by Maxey), Congratulating Lisa Dawn on her graduation from The University of Texas at Austin.

To Rules & Resolutions.

HR 829 (by Crabb), Congratulating Midshipman David A. Benham on his receipt of the Citation and Medal Award.

To Rules & Resolutions.

HR 830 (by Edwards), In memory of Corporal Roel Garcia of the Texas Department of Public Safety.

To Rules & Resolutions.

HR 831 (by Siebert), In memory of Elizabeth Daley Cheever.

To Rules & Resolutions.

HR 832 (by Kamel), Commemorating the 1997 East Texas State Fair Senior Citizens Day.

To Rules & Resolutions.

HR 833 (by Gutierrez), Honoring Rafaela "Fela" Chapa for her contributions to her family and the Rio Grande Valley.

To Rules & Resolutions.

HR 834 (by Place), In memory of Francis C. Ward.
To Rules & Resolutions.

HR 836 (by Place), In memory of Kurtis Gerdel.
To Rules & Resolutions.

HR 837 (by Hernandez), In memory of Virginia L. Garcia Pancake.
To Rules & Resolutions.

HR 838 (by Chisum), Commemorating the 90th anniversary of the First Baptist Church of Pampa.
To Rules & Resolutions.

HR 839 (by Chisum), Commemorating the centennial of the First United Methodist Church of Miami.
To Rules & Resolutions.

HR 841 (by Hunter and Siebert), In memory of Cleon Thornton.
To Rules & Resolutions.

HR 842 (by Burnam), In memory of Walter Earl Steimel.
To Rules & Resolutions.

HR 844 (by Kuempel), Congratulating Charles Nemir on being named Engineer of the Year by the Tra County chapter of the Texas Society of Professional Engineers.
To Rules & Resolutions.

HR 845 (by Solis), Congratulating Becky Lee Meza.
To Rules & Resolutions.

HR 846 (by Hunter, Counts, B. Turner, and Keffer), Honoring the Chisholm Trail Council of the Boy Scouts of America for 75 years of service to the youth of the Big Country.
To Rules & Resolutions.

HR 847 (by Davis, Goolsby), Honoring David H. Hitt for his contributions to the community.
To Rules & Resolutions.

SB 1048 to Ways & Means.

SB 1440 to Ways & Means.

SB 1476 to Higher Education.

SB 1825 to Public Education.

SCR 75 to Higher Education.

SIGNED BY THE SPEAKER

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

House List No. 50

HB 6, HB 8, HB 566, HB 614, HB 794, HB 1404, HB 1474, HB 1741, HB 1955, HB 2185, HCR 29, HCR 39, HCR 90, HCR 94, HCR 221, HCR 234, HJR 8, HJR 59

Senate List No. 20

SB 249, SB 251, SB 263, SB 290, SB 655, SB 667, SB 753, SB 1697, SB 1712, SB 1879, SB 1913, SCR 24, SCR 32

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
Thursday, May 8, 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:

HB 588 Rangel SPONSOR: Barrientos
Relating to uniform admission and reporting procedures for institutions of higher education.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 8, 1997 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 197 West, George "Buddy" SPONSOR: Duncan
Relating to a late application by certain charitable and religious organizations for an exemption from ad valorem taxation.

- HB 311** Place SPONSOR: Patterson
Relating to the prosecution of certain offenses involving firearms, illegal knives, clubs, or prohibited weapons.
(AMENDED)
- HB 515** Dunnam SPONSOR: Sibley
Relating to the waiver of a trial by jury.
(COMMITTEE SUBSTITUTE)
- HB 581** Eiland SPONSOR: Patterson
Relating to the correction of an ad valorem tax appraisal roll.
- HB 717** Bosse SPONSOR: Whitmire
Relating to the disposal or temporary storage of litter or solid waste.
(AMENDED)
- HB 758** West, George "Buddy" SPONSOR: Duncan
Relating to the sales and use tax rate of certain hospital districts.
- HB 1149** Turner, Sylvester SPONSOR: Barrientos
Relating to formation of certain professional associations.
- HB 1235** Junell SPONSOR: Ratliff
Relating to authorizing the issuance of revenue bonds for certain public institutions of higher education.
(COMMITTEE SUBSTITUTE)
- HB 1312** Naishtat SPONSOR: Moncrief
Relating to modification of an order for outpatient mental health services and the temporary detention of a patient pending hearing on the modification.
- HB 1532** Woolley SPONSOR: Whitmire
Relating to refusing to register a vehicle for a person who owes a fine, fee, or tax to certain counties.
- HB 1710** Lewis, Glenn SPONSOR: Harris
Relating to the appointment of bailiffs for the district courts in Tarrant County that give preference to criminal cases.
(AMENDED)
- HB 1747** Place SPONSOR: Moncrief
Relating to procedures to deal with an individual who is in the criminal justice system and who has a mental illness or is a person with mental retardation.
(AMENDED)
- HB 1836** Goolsby SPONSOR: Carona
Relating to the interval between internal inspections of certain boilers.
(AMENDED)
- HB 1879** Thompson SPONSOR: Lindsay
Relating to the rendition of property for ad valorem taxation.
(AMENDED)
- HB 1902** Lewis, Glenn SPONSOR: Shapleigh
Relating to administrative procedures for certain orders and decisions of the Texas Department of Insurance.

HB 2073 Hightower SPONSOR: Brown
 Relating to the continuation and functions of the Texas Juvenile Probation Commission.
 (AMENDED)

HB 2692 Ehrhardt SPONSOR: Carona
 Relating to the method of bidding for certain contracts related to community development programs.
 (AMENDED)

HCR 233 Hernandez SPONSOR: Barrientos
 Designating May 4-10, 1997, as Texas Community Action Week.

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

SB 900 (viva-voce vote)

THE SENATE HAS TAKEN THE FOLLOWING OTHER ACTION:

HCR 208
 (AMENDED)

Respectfully,

Betty King
 Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Thursday, May 8, 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:

LOCAL AND UNCONTESTED CALENDAR

HB 16 Chisum SPONSOR: Bivins
 Relating to authority of the comptroller to enter certain agreements with credit card issuers benefitting state parks.

HB 35 Goolsby SPONSOR: Cain
 Relating to a voluntary code of fair campaign practices.

HB 101 Gray SPONSOR: Armbrister
 Relating to the adoption of the Emergency Management Assistance Compact.

HB 255 Denny SPONSOR: Haywood
Relating to permitting certain law enforcement authorities and probation officers to receive reduced airline fares while engaged in certain official duties.
(AMENDED)

HB 320 Krusee SPONSOR: Ogden
Relating to the ability of municipalities to provide water or wastewater service to a residence to preserve the quality of an aquifer the municipality uses as a water source.

HB 327 Bosse SPONSOR: Whitmire
Relating to creation of an offense for parking a commercial motor vehicle overnight in certain residential subdivisions.

HB 384 Pitts SPONSOR: Harris
Relating to the disclosure in a contract for the transfer of vacant land of certain information, including information concerning the imposition of additional taxes on the land.

HB 449 Eiland SPONSOR: Patterson
Relating to the control of and disabling of gambling devices, equipment, or paraphernalia while an ocean-going vessel is in the territorial waters of this state.

HB 485 McClendon SPONSOR: Nelson
Relating to requiring that an out-of-state inmate housed in a correctional facility in this state be returned to the sending state before the inmate's release from imprisonment.

HB 501 Woolley SPONSOR: Lindsay
Relating to the law applicable to interlocal contracts made by local governments.

HB 641 Haggerty SPONSOR: Shapleigh
Relating to the maximum value of a raffle prize.

HB 646 Goodman SPONSOR: Harris
Relating to jury submissions in a suit affecting the parent-child relationship.

HB 736 Palmer SPONSOR: Moncrief
Relating to the creation of municipal courts of record in Lake Worth.

HB 791 Gallego SPONSOR: Ellis
Relating to the authority of the Office of Court Administration to request, accept, and administer gifts, grants, and donations.

HB 833 Junell SPONSOR: Brown
Relating to the exemption of state-owned real property from forced sale.

HB 922 Driver SPONSOR: Duncan
Relating to the board of directors of the Life, Accident, Health, and Hospital Service Insurance Guaranty Association.

HB 1025 Bosse SPONSOR: Patterson
Relating to certain fees charged by vehicle storage facilities.

HB 1050 Gutierrez SPONSOR: Moncrief
Relating to conditions of parole or mandatory supervision for an inmate released after serving a sentence for the offense of stalking.

HB 1077 Telford SPONSOR: Armbrister
Relating to the powers and duties of and the continuation of the Texas Public Finance Authority.
(AMENDED)

HB 1155 Hightower SPONSOR: Brown
Relating to the continuation and functions of the Criminal Justice Policy Council.
(AMENDED)

HB 1545 Finnell SPONSOR: Haywood
Relating to pleas entered by a minor and the issuance of a summons to compel the appearance of the minor's parent in justice or municipal court.

HB 1901 Lewis, Glenn SPONSOR: Shapleigh
Relating to certain sanctions imposed by the commissioner of insurance.

HB 1916 Goodman SPONSOR: Moncrief
Relating to county criminal courts in Tarrant County.
(AMENDED)

HB 1999 Merritt SPONSOR: Bivins
Relating to the disposition by the Railroad Commission of Texas of well-site equipment from a wellbore transferred to the Texas Experimental Research and Recovery Activity.

HB 2015 Burnam SPONSOR: Haywood
Relating to the redesignation of certain articles of the Insurance Code.

HB 2193 Wise SPONSOR: Cain
Relating to the trust fund requirement for alien surplus lines insurers.

HB 2373 Olivo SPONSOR: Haywood
Relating to notice of changes to the capital stock of an insurance company.

Respectfully,

Betty King
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 8, 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:

LOCAL AND UNCONTESTED CALENDAR

SB 10 Cain

Relating to the authority of certain counties to adopt and enforce a fire code.

SB 993 Cain

Relating to the election of the office of precinct chair of a political party.

SB 1563 Wentworth

Relating to the objection to certain assigned judges.

SB 1930 Ratliff

Relating to the creation of the Red River Redevelopment Authority; granting the power of eminent domain and the authority to issue bonds; authorizing a tax.

SB 1936 Cain

Relating to the composition of the Rockwall County Juvenile Board.

SCR 13 Zaffirini

Relating to requirements for public school honors programs.

Respectfully,

Betty King
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 8, 1997 - 5

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 629 Lucio

Relating to the records of an overturned disciplinary action or a charge of misconduct against fire fighters and police officers in certain municipalities.

SB 1571 Madla

Relating to pricing methodology for wheeling and to ratemaking proceedings for certain utilities.

SB 1594 Haywood

Relating to the enforcement and collection of child support; providing a penalty.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 7

Appropriations - **HB 2174**

Civil Practices - **HB 1022, HB 1202**

Criminal Jurisprudence - **HB 1297, HB 1689, SB 174**

Economic Development - **SB 417, SB 706**

Elections - **SB 500**

Energy Resources - **SB 1906**

Higher Education - **SB 1577**

Human Services - **HCR 204**

Insurance - **SB 1292, SB 1447**

Judicial Affairs - **SB 231, SB 970, SB 1534**

Natural Resources - **HB 3571, SB 26, SB 863, SB 1175, SB 1829, SB 1830, SB 1865**

Public Education - **HB 583, HB 940**

Public Health - **SB 609**

Public Safety - **HB 3604, HJR 18, SB 255, SB 881**

State Affairs - **HB 1653, HB 2768, HB 2856, SB 1750**

State, Federal & International Relations - **HCR 228, HCR 229, SCR 55**

Transportation - **HB 2733**

Urban Affairs - **HB 2231, HB 2661, HB 3603, SB 657, SB 928, SB 1454, SB 1722, SB 1810, SB 1852**

ENGROSSED

May 7 - **HB 479, HB 574, HB 623, HB 685, HB 697, HB 770, HB 812, HB 836, HB 853, HB 966, HB 1070, HB 1338, HB 1466, HB 1528, HB 1627, HB 1779, HB 2078, HB 2088, HB 2094, HB 2099, HB 2153, HB 2183, HB 2222, HB 2503, HB 2556, HB 2622, HB 2850, HB 3037, HB 3052,**

**HB 3246, HB 3250, HB 3305, HB 3314, HB 3330, HB 3437, HB 3441,
HB 3465, HB 3540, HB 3542, HB 3543, HB 3549, HB 3566, HB 3570,
HB 3572, HB 3585, HB 3588, HCR 14, HCR 116**

ENROLLED

May 7 - **HB 794, HB 1474, HB 1741, HB 1955, HCR 29, HCR 94**

SENT TO THE GOVERNOR

May 7 - **HB 567, HB 1520, HB 2277**

SIGNED BY THE GOVERNOR

May 7 - **HB 622, HB 649, HB 706, HB 718, HB 834, HB 1018, HB 1092,
HB 1152, HB 1296, HB 1492, HB 1979, HB 2664, HCR 59, HCR 61,
HCR 62, HCR 63, HCR 87, HCR 93, HCR 148, HCR 162, HCR 223**