

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FOURTH DAY (CONTINUED) — FRIDAY, MAY 16, 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 446).

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; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; 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; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgenuth; Wolens; Woolley; Yarbrough; Zbranek.

The invocation was offered by Bubba Stahl, pastor, First Baptist Church, Boerne, as follows:

Heavenly Father, we praise you, for you are worthy of all praise and adoration. We thank you for the privilege of being able to pray and to love and to be here today serving in our various responsibilities. We recognize our responsibilities as a great stewardship from you, and what we do, we do for others and for you.

Lord, we need wisdom. Everyday and every minute of the day, we need wisdom from you. Give these men and women your wisdom. Give them and us an eye for those who have been beat up and left on the side of the roads of life, the needy who are our neighbors. We are our brother's keepers. Give us compassionate hearts.

Oh God of all creation, create in us a clean heart and a right spirit. Give these leaders a spirit of cooperation, conviction, and compromise, with the insight to know what things can and must change and those absolutes that must never change. Give them and us courage, Lord, in making right decisions, and in carrying them out the right way.

And now, oh Keeper of Israel who is able to keep us from stumbling, and to present us faultless before the presence of your glory with exceeding joy, to God our Savior, who alone is wise, be glory and majesty, dominion and

power, both now and forever, his name is Jesus, the name above every name, and in whose name we pray. Amen.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 57).

CAPITOL PHYSICIAN

The speaker recognized Representative Roman who presented Dr. Haywood J. Robinson of Bryan as the "Doctor for the Day."

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

HCR 265 - ADOPTED

(by Uher, et al.)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HCR 265**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 265, Recognizing the Texas Czech Heritage and Cultural Center.

HCR 265 was read and was adopted without objection.

On motion of Representatives Janek, Kubiak, and Cook, the names of all the members of the house were added to **HCR 265** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Uher, who introduced a group from the Texas Czech Heritage and Cultural Center.

HR 973 - ADOPTED

(by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 973**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 973, Recognizing the incorporation of the town of Bethel.

HR 973 was adopted without objection.

HR 974 - ADOPTED

(by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 974**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 974, Congratulating the S&S High School current events team on winning the state championship.

HR 974 was adopted without objection.

HR 888 - ADOPTED
(by Bonnen)

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 888**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 888, Congratulating the students at Jamison Middle School who participated in the Elementary Knowledge Master Open.

HR 888 was read and was adopted without objection.

On motion of Representative Pitts, the names of all the members of the house were added to **HR 888** as signers thereof.

HR 870 - ADOPTED
(by Howard)

Representative Howard moved to suspend all necessary rules to take up and consider at this time **HR 870**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 870, Congratulating Matthew and Melissa Morris on the occasion of their first wedding anniversary.

HR 870 was adopted without objection.

On motion of Representative Roman, the names of all the members of the house were added to **HR 870** as signers thereof.

LEAVE OF ABSENCE GRANTED

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

Oliveira on motion of Solis.

INTRODUCTION OF GUESTS

The speaker recognized Representative Edwards, who introduced Ramsay H. Gillman and his family.

Mr. Gillman addressed the house briefly.

HCR 244, commending Ramsay H. Gillman for his achievements in the automotive industry, having been previously adopted, was read.

HCR 256 - ADOPTED
(by Staples)

Representative Staples moved to suspend all necessary rules to take up and consider at this time **HCR 256**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 256, Designating Hearne the Sunflower Capital of Texas.

HCR 256 was adopted without objection.

HR 846 - ADOPTED
(by Hunter, Counts, B. Turner, and Keffer)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 846**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 846, Honoring the Chisholm Trail Council of the Boy Scouts of America for 75 years of service to the youth of the Big Country.

HR 846 was adopted without objection.

(Speaker pro tempore in the chair)

HR 970 - ADOPTED
(by Gray and Eiland)

Representative Gray moved to suspend all necessary rules to take up and consider at this time **HR 970**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 970, Honoring Walter Hall on the occasion of his 90th birthday.

HR 970 was adopted without objection.

HR 880 - ADOPTED
(by Keffer)

Representative Keffer moved to suspend all necessary rules to take up and consider at this time **HR 880**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 880, Commemorating the grand opening of the Ruth Terry Denney Library-Research Center in Ranger.

HR 880 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Keffer, who introduced members of Ruth Terry Denney's family: Jack Terry, her nephew; his wife, Eden; and Ruth

Terry Denney's grand-nephew Jack III. Members of the Ranger Historical Preservation Society and a group from the Ruth Terry Denney Library-Research Center were also introduced.

HCR 270 - ADOPTED
(by Goodman)

Representative Goodman moved to suspend all necessary rules to take up and consider at this time **HCR 270**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HCR 270

WHEREAS, **HB 1826** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

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

RESOLVED by the 75th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 1826** by striking Section 39 of the bill and renumbering subsequent sections of the bill accordingly.

HCR 270 was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 27).

CONGRATULATORY AND MEMORIAL CALENDAR

The chair laid before the house the following memorial resolutions:

HCR 242 (by Counts), In memory of Glenn Hopkins.

SCR 79 (Averitt - House Sponsor), In memory of Dr. Marion Zetzman.

HR 691 was withdrawn.

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

HR 762 (by Uher), In memory of Roger D. Wilson.

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

HR 810 was withdrawn.

HR 836 (by Place), In memory of Kurtis Gerdel.

The resolutions were unanimously adopted by a rising vote.

The chair laid before the house the following congratulatory resolutions:

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

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

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

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.

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

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

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

SCR 80 (Alexander - House Sponsor), Recognizing the exceptional accomplishments of the Texas Highway Department and Texas Department of Transportation.

SCR 82 (Tillery and E. Reyna - House Sponsors), Commending the Honorable Cathye Ray.

SCR 83 (Farrar - House Sponsor), Designating May 8, 1997, Clinical Nutrition Day in Texas.

SCR 84 (Olivo - House Sponsor), Honoring Judge Jodie E. Stavinoha.

SCR 86 (Rangel - House Sponsor), Commending Commissioner Kenneth H. Ashworth for his outstanding public service.

SCR 87 (Greenberg - House Sponsor), Commending the O. Henry Museum for its Opportunity-For-Youth Writing Clubs for Austin's inner-city youth.

HR 756 (by Delisi), Honoring Joe M. Pirtle on the occasion of his retirement from the Belton Independent School District.

HR 757 (by Tillery), Honoring Dixie Parris for her many years of service as an educator and administrator.

HR 761 (by Uher), Congratulating Sugar Land's Tara Lipinski on winning the 1997 World Figure Skating Championship.

HR 765 (by McClendon), Congratulating Patricia Stout on being inducted into the San Antonio Women's Hall of Fame.

HR 766 (by McClendon), Honoring Dr. Sandra Mayo for her induction into the San Antonio Women's Hall of Fame.

HR 767 (by McClendon), Congratulating Harriet O'Banion Kelley on her induction into the San Antonio Women's Hall of Fame.

HR 768 (by McClendon), Congratulating Luz Elena Day on her induction into the San Antonio Women's Hall of Fame.

HR 769 (by McClendon), Congratulating Barbie Hernandez on being inducted into the San Antonio Women's Hall of Fame.

HR 770 (by Hupp), Honoring Dale Dudley.

HR 773 (by Solis and Raymond), Honoring Joe Lopez for his artistic achievements and denouncing the Ernest and Julio Gallo Winery's lawsuit against him.

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

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

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

HR 790 (by Oakley), Honoring Major James O. Ratliff.

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

HR 795 was withdrawn.

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

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

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

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

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.

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

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

The resolutions were adopted without objection.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
LOCAL CALENDAR
SECOND READING

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

CSHB 2607 (by Ramsay), A bill to be entitled An Act relating to the juvenile board of Red River County.

HB 3605 (by Counts), A bill to be entitled An Act relating to the assignment of the judge of the County Court at Law of Nolan County.

HB 3608 was withdrawn.

**CONSENT CALENDAR
SECOND READING**

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

CSHB 328 (by Kamel), A bill to be entitled An Act relating to an exemption to the licensing requirements for irrigators.

HB 464 (by Zbranek), A bill to be entitled An Act relating to certain information that must be disclosed in political advertising.

HB 1153 (by Wise), A bill to be entitled An Act relating to the powers and duties of the missing children and missing persons information clearinghouse. (Finnell, Heflin, Horn, and Talton recorded voting no)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Oakley, Representative Wise offered the following committee amendment to **HB 1153**:

Amend **HB 1153** as follows:

On page 1, line 7, insert "if money is appropriated for that purpose", between "shall", and ":".

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Carter, Representative Wise offered the following amendment to **HB 1153**:

Amend **HB 1153** by deleting Section 2 in its entirety and renumbering Section 3 as Section 2.

Amendment No. 2 was adopted without objection.

CSHB 1645 (by Goolsby), A bill to be entitled An Act relating to cancellation of the voter registrations of persons who are not United States citizens; providing a penalty.

HB 1749 (by Kuempel), A bill to be entitled An Act relating to the right of certain lessees of real property to protest before an appraisal review board a determination of the appraised value of the property for ad valorem tax purposes.

CSHB 1914 (by Wise), A bill to be entitled An Act relating to the powers and duties of the Children's Trust Fund of Texas Council.

LEAVE OF ABSENCE GRANTED

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

Moreno on motion of Rangel.

CONSENT CALENDAR
(consideration continued)

CSHB 1922 (by Hawley), A bill to be entitled An Act relating to cancelling or prohibiting the issuance of certain original or renewal alcoholic beverage permits or licenses for nonpayment of ad valorem taxes.

CSHB 2155 (by Solis), A bill to be entitled An Act relating to the enforcement of possession orders by the Title IV-D agency.

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).

CONSENT CALENDAR
(consideration continued)

CSHB 2198 (by Wise, Stiles, Hightower, Craddick, Thompson, et al.), A bill to be entitled An Act relating to the issuance of Texas Commission on Alcohol and Drug Abuse license plates.

CSHB 2380 (by Siebert), A bill to be entitled An Act relating to the abolition of unnecessary governmental entities.

CSHB 2731 (by Howard), A bill to be entitled An Act relating to the creation of the First Colony Management District.

CSHB 2736 (by Uher), A bill to be entitled An Act relating to risk pools established by political subdivisions to provide liability coverage. (Keffer recorded voting no)

HB 2750 (by Hinojosa), A bill to be entitled An Act relating to certain municipal firefighters and police officers entitled to additional wages; providing a civil penalty. (Finnell, Hartnett, Heflin, Horn, Solomons, and Talton recorded voting no)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Ehrhardt, Representative Hinojosa offered the following committee amendment to **HB 2750**:

Amend **HB 2750** as follows:

At page 2, line 3, between "officer" and "is" the following:
"designated as a bilingual interpreter".

At page 2, after line 13, insert a new subparagraph (1) of Sec. 141.053 and renumber the following subparagraphs as appropriate:

(1) The number of designated bilingual interpreters needed by the department;

On page 2, delete lines 18 through 24 and replace with the following:

Sec. 141.054. CIVIL PENALTY. A department that fails to compensate a firefighter or police officer entitled and qualified to receive additional wages under this subchapter and the departmental guidelines established under Sec. 141.053 is liable to the firefighter or police officer for damages in the amount of lost wages plus interest at the rate of 5% per annum.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hinojosa offered the following amendment to **HB 2750**:

Amend **HB 2750** as follows:

(1) On page 2, line 3, between the period and "A", insert "A fire or police department may designate a firefighter or police officer as a bilingual interpreter.".

(2) On page 2, line 3, between "officer" and "is" insert "who is designated as a bilingual interpreter under this section".

(3) On page 2, line 12, strike "The" and substitute "A".

(4) On page 2, line 13, between "department" and "shall", insert "that designates a firefighter or police officer as a bilingual interpreter under Section 141.052".

Amendment No. 2 was adopted without objection.

CSHB 3157 (by Hilbert), A bill to be entitled An Act relating to excepting certain legislative documents from required disclosure under the open records law.

CSHB 3249 (by Hawley), A bill to be entitled An Act relating to school buses; providing a penalty.

HB 3609 (by Place), A bill to be entitled An Act relating to the boundaries, powers, administration, duties, finances, contracts, and terms of directors of the Upper Leon River Municipal Water District.

HB 3610 was withdrawn.

SB 66 (Burnam - House Sponsor), A bill to be entitled An Act relating to notice to the public and to public officials concerning activities affecting certain community corrections facilities.

SB 85 (Naishtat - House Sponsor), A bill to be entitled An Act relating to surrogate decision making.

SB 96 was previously passed.

SB 113 (Burnam - House Sponsor), A bill to be entitled An Act relating to the duty of the pardons and paroles division of the Texas Department of Criminal Justice to notify law enforcement of a prisoner's pending release or transfer to a halfway house.

SB 208 (Hirschi - House Sponsor), A bill to be entitled An Act relating to disclosure of certain information regarding certain patients of a physician.

SB 213 (Coleman, Naishtat, Cuellar, Alvarado, and Dukes - House Sponsors), A bill to be entitled An Act relating to the establishment of a child-care training center pilot program for certain recipients of public assistance. (Finnell, Horn, and Talton recorded voting no)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Yarbrough, Representative Naishtat offered the following committee amendment to **SB 213**:

Amend **SB 213** as follows:

(1) On page 1, lines 7-13, strike subsection (a) and substitute the following:

(a) The commission shall establish four pilot programs in which the division shall certify day-care facilities licensed under Chapter 42, Human Resources Code, as training centers that offer training and certification for recipients of public assistance in basic skills, child care, child-care vendor entrepreneurial training, and early childhood education. The commission shall determine the pilot sites, with at least one site in an urban area and at least one site in a rural area.

(2) On page 2, line 11, amend as follows:

diploma or the equivalent, or enrollment in a program leading to a high school diploma or the equivalent;

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Coleman, Representative Naishtat offered the following amendment to **SB 213**:

Amend **SB 213** as follows:

On page 2, line 24, strike proposed Subsection 302.003(g)(1) and substitute a new Subsection as follows:

(1) complete the person's Child Development Associate national credential, Certified Child-Care Professional Credential or other child-care certification, as determined by the commission;

Amendment No. 2 was adopted without objection.

SB 262 (Counts and Naishtat - House Sponsors), A bill to be entitled An Act relating to employment in a nursing home or other facility serving the elderly or disabled.

CSSB 273 (Cuellar, Raymond, and Naishtat - House Sponsors), A bill to be entitled An Act relating to development of a statewide consumer guide for senior citizens.

SB 320 (Cook - House Sponsor), A bill to be entitled An Act relating to exempting officers and employees of political subdivisions of this state from certain interest payments in regard to unclaimed property claims.

SB 394 was previously passed.

SB 412 (Maxey - House Sponsor), A bill to be entitled An Act relating to maximizing federal reimbursement for certain foster care program costs.

SB 483 (Hartnett - House Sponsor), A bill to be entitled An Act relating to the salary of an official court reporter.

LEAVE OF ABSENCE GRANTED

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

Serna on motion of Chavez.

CONSENT CALENDAR
(consideration continued)

SB 566 (Chavez and Hunter - House Sponsors), A bill to be entitled An Act relating to requiring the Texas Department of Transportation to conduct a study on the highway transportation needs of the state because of increased international trade under the North American Free Trade Agreement.

Representative Chavez moved to postpone consideration of **SB 566** until the end of the calendar.

The motion prevailed without objection.

SB 605 (Pitts - House Sponsor), A bill to be entitled An Act relating to the movement of portable building units and compatible cargo over a state highway.

SB 620 (Hilbert - House Sponsor), A bill to be entitled An Act relating to durable powers of attorney.

SB 682 (Eiland - House Sponsor), A bill to be entitled An Act relating to advertisements for certain health benefit plans.

SB 703 (Cuellar - House Sponsor), A bill to be entitled An Act relating to the consolidation of the fiscal and program audit functions of the Texas Department of Criminal Justice.

CSSB 712 (Goodman and Naishtat - House Sponsors), A bill to be entitled An Act relating to certain duties regarding family law proceedings performed by clerks of the court and certain law enforcement officers and parties to the suit.

SB 725 (Puente - House Sponsor), A bill to be entitled An Act relating to the qualification of a personal care facility as a community home.

SB 773 was previously passed.

SB 874 (Coleman - House Sponsor), A bill to be entitled An Act relating to certain reimbursements of expenses for members of the Texas State Board of Examiners of Marriage and Family Therapists.

SB 909 (Maxey - House Sponsor), A bill to be entitled An Act relating to certain electronic benefits transfer accounts that are inactive.

SB 910 was withdrawn.

SB 970 (Puente, et al. - House Sponsors), A bill to be entitled An Act relating to certain district courts in Bexar County.

SB 975 (Van de Putte - House Sponsor), A bill to be entitled An Act relating to the disclosure of health care information by certain health care providers.

SB 993 was previously passed.

SB 1017 (Talton - House Sponsor), A bill to be entitled An Act relating to training for members of appraisal review boards and to the qualifications of the members of appraisal review boards.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Stiles, Representative Talton offered the following committee amendment to **SB 1017**:

Amend **SB 1017** as follows:

Strike Subsection (f) of Section 1 of the bill and substitute the following:

(f) The comptroller may not advise a property owner, a property owner's agent, an appraisal district, or an appraisal review board on a matter that the comptroller knows is the subject of a protest to the appraisal review board.

Amendment No. 1 was adopted without objection.

CSSB 1040 (Cuellar - House Sponsor), A bill to be entitled An Act relating to programs of institutions of higher education that address small business research and development.

SB 1057 (Berlanga - House Sponsor), A bill to be entitled An Act relating to the composition of and certain services operated by the Texas Department of Mental Health and Mental Retardation.

SB 1163 (Berlanga - House Sponsor), A bill to be entitled An Act relating to information and training about Medicaid managed care.

Amendment No. 1 (Committee Amendment No. 1)

Representative Berlanga offered the following committee amendment to **SB 1163**:

Amend **SB 1163** in SECTION 1 of the bill, in the added Section 32.043(a), Human Resources Code, after "(a)" (page 1, line 6, Senate Engrossment Printing), by striking "The" and substituting "Subject to the availability of funds, the".

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Puente, Representative Berlanga offered the following amendment to **SB 1163**:

Amend **SB 1163** by striking Sec. 32.043(e).

Amendment No. 2 was adopted without objection.

SB 1164 (Berlanga - House Sponsor), A bill to be entitled An Act relating to Medicaid managed care contract compliance.

Amendment No. 1 (Committee Amendment No. 1)

Representative Berlanga offered the following committee amendment to **SB 1164**:

Amend **SB 1164** in SECTION 1 of the bill, in the added Section 32.043(b)(2), Human Resources Code (page 2, line 2, Senate Engrossment), by striking "five" and substituting "ten".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

Representative Berlanga offered the following committee amendment to **SB 1164**:

Amend **SB 1164** by adding the following appropriately numbered section to the bill and renumbering existing sections of the bill appropriately:

SECTION _____. (a) As part of the routine monitoring responsibilities of the Health and Human Services Commission, the commission shall evaluate the STAR + PLUS Medicaid managed care long-term care pilot project, including:

- (1) consumer, family, and provider satisfaction with the project;
- (2) funding, regulatory, and statutory adjustments needed to improve the project; and
- (3) the overall quality of care provided by the project compared to the quality of care provided by the traditional fee-for-service Medicaid long-term care program.

(b) Not later than January 1, 1999, the commission shall submit a report relating to the evaluation to the governor, lieutenant governor, the speaker of the house of representatives, the Senate Health and Human Services Committee, and the House Public Health Committee.

Amendment No. 2 was adopted without objection.

SB 1165 (Berlanga - House Sponsor), A bill to be entitled An Act relating to health care services under the state Medicaid program for children with special health care needs.

CSSB 1175 (Bosse - House Sponsor), A bill to be entitled An Act relating to recall elections to remove a member of the board of directors of a municipal utility district. (Corte, Galloway, Heflin, and Hupp recorded voting no)

SB 1177 (Hochberg - House Sponsor), A bill to be entitled An Act relating to the publication of the Texas Register.

SB 1273 (Carter - House Sponsor), A bill to be entitled An Act relating to the sale of alarm products or services and burglary detection devices.

SB 1284 was withdrawn.

SB 1290 (Marchant - House Sponsor), A bill to be entitled An Act relating to the authority of an insurance agent to sell insurance covering a vehicle that is security for a sale or lease contract.

SB 1310 (Janek - House Sponsor), A bill to be entitled An Act relating to historic structures, including the restoration and preservation of historic structures by municipalities.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Pitts, Representative Janek offered the following committee amendment to **SB 1310**:

Amend **SB 1310** as follows:

- (1) On page 2, line 7 strike "with a population of more than 1.5 million".
- (2) On page 2, between lines 7 and 8 insert a new subsection (7) to read as follows:

"(7) Nothing in this Chapter shall be construed as prohibiting or limiting operations at an airport or overflights by an aircraft; nor shall such operations or overflights be construed as adversely affecting historic structures or property."

Amendment No. 1 was adopted without objection.

SB 1313 was previously passed.

SB 1333 (Hunter - House Sponsor), A bill to be entitled An Act relating to reporting of representation before state agencies by state officers and employees.

SB 1334 (Hunter - House Sponsor), A bill to be entitled An Act relating to reporting concerning fundraising for governor for a day and speaker's reunion day ceremonies.

SB 1368 (Howard - House Sponsor), A bill to be entitled An Act relating to the enforcement of certain traffic laws by private institutions of higher education.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Oakley, Representative Howard offered the following committee amendment to **SB 1368**:

Amend **SB 1368**, in SECTION 1 of the bill, in proposed Section 600.003(c), Transportation Code (engrossed version, page 2, lines 14-15), by striking "on property of the institution" and substituting "only on the property of the institution that commissioned the campus security personnel under Section 51.212, Education Code".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Oakley, Representative Howard offered the following committee amendment to **SB 1368**:

Amend **SB 1368** in SECTION 1 of the bill, in proposed Section 600.003, Transportation Code (engrossed version, page 2, between lines 19 and 20), by inserting the following subsection:

(e) The governing body of the municipality or the commissioners court of the county that approves the enforcement of traffic laws under Subsection (b) shall also determine the disposition of funds collected under this section from any fees or fines from the enforcement of a traffic law of this state.

Amendment No. 2 was adopted without objection.

SB 1385 (Clark - House Sponsor), A bill to be entitled An Act relating to the use of video conferencing technology by the office of the attorney general.

SB 1391 (R. Lewis - House Sponsor), A bill to be entitled An Act relating to establishing and maintaining a county road.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Alexander, Representative R. Lewis offered the following committee amendment to **SB 1391**:

SB 1391 is amended by adding a new Section 1 as follows and renumbering all following Sections appropriately.

SECTION 1. Subsection (a), Section 251.005, Transportation Code, is amended to read as follows:

(a) A county commissioner serving as a road supervisor shall make a sworn annual report during the ninth month of the fiscal year on a form approved by ~~[to each regular term of]~~ the commissioners court showing:

(1) the condition of each road or part of a road and of each culvert and bridge in the commissioner's precinct;

(2) the amount of money reasonably necessary for maintenance of ~~[held by overseers available to be spent on]~~ the roads in the precinct during the following fiscal year;

(3) the number of traffic control devices ~~[mileposts and fingerboards]~~ in the precinct defaced or torn down;

(4) any new road that should be opened in the precinct; and

(5) any bridges, culverts, or other improvements necessary to place the roads in the precinct in good condition, and the probable cost of the improvements~~;~~ and]

~~[(6) the name of each overseer who has failed to work on the roads or who in any way neglected to perform the overseer's duties].~~

Amendment No. 1 was adopted without objection.

SB 1517 (Davila - House Sponsor), A bill to be entitled An Act relating to the repeal of certain advisory committees of the Texas Department of Health.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Berlanga, Representative Davila offered the following committee amendment to **SB 1517**:

Amend **SB 1517** as follows:

(1) Strike SECTION 4 of the bill.

(2) Renumber subsequent sections appropriately.

Amendment No. 1 was adopted without objection.

SB 1544 (Place - House Sponsor), A bill to be entitled An Act relating to public access to certain personal information about employees of the Texas Department of Criminal Justice and certain law enforcement personnel.

CSSB 1568 (Van de Putte - House Sponsor), A bill to be entitled An Act relating to a retirement health trust for firefighters and police officers of certain municipalities.

SB 1574 (Van de Putte - House Sponsor), A bill to be entitled An Act relating to the health care provider network of the state Medicaid program health care delivery system.

SB 1609 (Staples - House Sponsor), A bill to be entitled An Act relating to the administration of the Uniform Act for out-of-state probationer and parolee supervision.

SB 1610 (Allen - House Sponsor), A bill to be entitled An Act relating to the county jail work release program and to participation by certain inmates of the Texas Department of Criminal Justice, with the approval of a sheriff, in that program.

CSSB 1622 (Isett and D. Jones - House Sponsors), A bill to be entitled An Act relating to the creation of the Lubbock Reese Redevelopment Authority.

Amendment No. 1

On behalf of Representative Puente, Representative D. Jones offered the following amendment to **CSSB 1622**:

Amend **CSSB 1622** by adding a new Section 2 to read as follows and renumber subsequent section as follows:

SECTION 2. Section 841.001, Government Code, is amended as follows:

(14) "Subdivision" means a county, a political unit that consists of all the geographical area of one county or of all or part of more than one county, a political unit of a county that has taxing authority, an authority created by the State of Texas to conduct redevelopment activities upon or related to closed military installations of the United States, a crime control and prevention district, the Texas Association of Counties, the Texas County and District Retirement System, or a city and county that jointly operate a city-county hospital under Subchapter B, Chapter 265, Health and Safety Code, but does not include an incorporated city or town, a school district, or a junior college district.

Amendment No. 1 was adopted without objection.

SB 1631 (Siebert - House Sponsor), A bill to be entitled An Act relating to the issuance of permits for the movement of oversize and overweight vehicles.

SB 1849 (Longoria - House Sponsor), A bill to be entitled An Act relating to the designating of a portion of United States Highway 281 in Bexar County as the Congressman Frank M. Tejada Memorial Highway.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

HCR 151 (by Naishtat), Directing TDHS to take steps to expand community options for long-term care.

Amendment No. 1 (Committee Amendment No. 1)

Representative Naishtat offered the following committee amendment to **HCR 151**:

Amend **HCR 151** as follows:

1) Page 2, Line 16, between "TDHS" and "take" insert "and HHSC as appropriate,"

2) Page 2, Line 18 - 19, strike number 1) in its entirety and substitute "monitor expenditures by HHS agencies and to the extent possible transfer funds not needed by HHS agencies to fill the slots in the Community Based Alternatives program;"

3) Page 2, Line 22, after "care" strike "such that the program conforms to state and federal requirements of budget neutrality"

Amendment No. 1 was adopted without objection.

HCR 151, as amended, was adopted without objection.

SCR 57 (Carter - House Sponsor), Naming the Brachiosaur Sauropod, Pleurocoelus, the official Lone Star State Dinosaur.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Pitts, Representative Carter offered the following committee amendment to **SCR 57**:

Amend **SCR 57** as follows:

(1) On page 2, after line 24, insert the following:

BE IT FURTHER RESOLVED, That the 75th Legislature of the State of Texas hereby designates Glen Rose as the Dinosaur Capital of Texas in recognition of its historic tradition and legacy.

Representative Carter moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Carter offered the following amendment to **SCR 57**:

Amend **SCR 57**, page 2 line 7 by adding after the word Pleurocoelus ", large quadrupedal sauropod"

Amendment No. 2 was adopted without objection.

SCR 57, as amended, was adopted without objection.

POSTPONED BUSINESS

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

**SB 566 - ON SECOND READING
(Chavez and Hunter - House Sponsors)**

SB 566, A bill to be entitled An Act relating to requiring the Texas Department of Transportation to conduct a study on the highway transportation needs of the state because of increased international trade under the North American Free Trade Agreement.

SB 566 was read second time on the consent calendar and was postponed until this time.

SB 566 was passed to third reading.

**HR 979 - ADOPTED
(by Hightower)**

Representative Hightower moved to suspend all necessary rules to take up and consider at this time **HR 979**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 979, Honoring Texas Department of Criminal Justice personnel who helped to resolve the standoff at Fort Davis.

HR 979 was read and was adopted without objection.

On motion of Representatives Place and Gallego, the names of all the members of the house were added to **HR 979** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hightower, who introduced Texas Department of Criminal Justice officers.

HR 837 - ADOPTED
(by Hernandez)

Representative Hernandez moved to suspend all necessary rules to take up and consider at this time **HR 837**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 837, In memory of Virginia L. Garcia Pancake.

HR 837 was unanimously adopted by a rising vote.

HR 977 - ADOPTED
(by Greenberg)

Representative Greenberg moved to suspend all necessary rules to take up and consider at this time **HR 977**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

HR 977, Honoring employees of the Texas Real Estate Commission for their heroic efforts.

HR 977 was adopted without objection.

RULES SUSPENDED

Representative Wolens moved to suspend the 5-day posting rule to allow the Committee on State Affairs to consider **SB 965**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, on adjournment today, E2.010, Capitol Extension, to consider **SB 965**.

ADJOURNMENT

Speaker Laney moved that the house adjourn until 12:10 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:04 p.m., adjourned until 12:10 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

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

House List No. 57

HB 1206, HB 1406, HB 1422, HB 1808, HB 1875, HB 1965, HB 1976, HB 2080, HB 2509, HB 2601, HB 2832, HB 3043, HB 3190, HB 3281,

HB 3456, HB 3457, HB 3507, HCR 16, HCR 40, HCR 66, HCR 73, HCR 74, HCR 84, HCR 195, HCR 197, HCR 200, HCR 201, HCR 253, HCR 263

Senate List No. 27

SB 94, SB 199, SB 231, SB 555, SB 657, SB 773, SB 781, SB 881, SB 1227, SB 1277, SB 1313, SB 1600, SB 1601, SB 1621, SB 1639

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
Friday, May 16, 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 540 Serna SPONSOR: Shapleigh
Relating to educational programs offered to colonia residents by the Texas Department of Housing and Community Affairs.

HB 1200 Cuellar SPONSOR: Brown
Relating to the period of validity of and fees for a driver's license or personal identification certificate.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 1203 Turner, Sylvester SPONSOR: Gallegos, Jr.
Relating to credit in, benefits from, and administration of certain municipal retirement systems for police officers.

HB 2179 Lewis, Ron SPONSOR: Galloway
Relating to competitive bidding in connection with certain contracts made by counties.

HB 2918 Place SPONSOR: Whitmire
Relating to the extension of a period of supervision under community supervision for a defendant charged with or convicted of certain sexual or sexually assaultive offenses, to the publication of notice under the sex offender registration program, and to the classification of inmates in the custody of the Texas Department of Criminal Justice on the basis of need for treatment.
(AMENDED)

HCR 244 Edwards SPONSOR: Brown
Commending Ramsay H. Gillman for his achievements in the automotive industry.

HCR 257

Holzheuser

SPONSOR: Bivins

Instructing the enrolling clerk of the house to make technical corrections to **HB 3490**.

Respectfully,

Betty King

Secretary of the Senate

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