

HOUSE JOURNAL

SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-FIRST DAY — SATURDAY, MAY 24, 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 523).

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; Culbertson; Danburg; 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; 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; 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 — Driver; Solomons.

The invocation was offered by Father Melvin K. Gray, Rector, The Episcopal Church of the Holy Spirit, Houston, as follows:

O God, the fountain of wisdom, whose will is good and gracious and whose law is truth, help us to remember with gratitude, on this Memorial Day holiday weekend, those who have sacrificed defending the representative government and other liberties which we all enjoy.

While others are enjoying a time of recreation we pray your blessing upon those who dedicate themselves this day to representation of the great diversity of the State of Texas—from Galveston to Dalhart, from Del Rio to Texarkana, from the great cities to the most rural citizens.

May your spirit of wisdom guide them when time is short and the agenda is full.

Grant them discernment as they seek to balance personal objectives, constituents' desires, and the greater good of the whole, that in your light they may see light and in your straight path may not stumble.

Strengthen our speaker this day in his dedication to exercise effective leadership.

Mindful that in you we live and move and have our being, may the words and actions of our legislature this day be for your glory and welfare of your people. Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of illness:

Driver on motion of Heflin.

Solomons on motion of Hawley.

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. 64).

CAPITOL PHYSICIAN

The speaker recognized Representative Kubiak who presented Dr. Robert Stark of Brenham as the "Doctor for the Day."

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

INTRODUCTION OF GUESTS

The speaker recognized Representative Wilson, who introduced Kirk and Keli Swann, with their son, George Allen.

HR 458, congratulating Kirk and Keli Swann on the birth of their son, George Allen Swann, having been previously adopted, was read.

HCR 295 - ADOPTED (by G. Lewis)

Representative G. Lewis moved to suspend all necessary rules to take up and consider at this time **HCR 295**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 295, Recognizing the Resource Connection of Tarrant County.

HCR 295 was adopted without objection.

HR 1058 - ADOPTED (by Thompson and Gutierrez)

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 1058**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1058, Honoring Ursula Rachel Cedillo-Johnson.

HR 1058 was adopted without objection.

LEAVES OF ABSENCE GRANTED

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

S. Turner on motion of Bosse.

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

Giddings on motion of Dutton.

HR 1073 - ADOPTED (by Cuellar)

The speaker laid before the house the following privileged resolution:

HR 1073

BE IT RESOLVED by the House of Representatives of the State of Texas, 75th Legislature, Regular Session, 1997, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 273** to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add text in proposed Section 403.026(b), Government Code, to read as follows:

(6) the Texas Department of Insurance, appointed by the commissioner of insurance;

(7) the office of the attorney general, appointed by the attorney general; and

(8) consumer groups representing senior citizen interests, appointed by the executive director of the Texas Department on Aging.

Explanation: This change is necessary to include representatives of the Texas Department of Insurance, the office of the attorney general, and consumer groups on the interagency work group so that the group is able to provide comprehensive information to the comptroller for inclusion in the senior citizen consumer guide.

(2) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text in proposed Section 403.026(i), Government Code, from "Subsections (b)(2)-(5)" to "Subsections (b)(2)-(7)".

Explanation: This change is necessary to provide the correct reference to "Subsections (b)(2)-(7)" to reflect the additional representatives added to the interagency work group and identified in Item (1) of this resolution.

(3) House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add text in proposed Section 403.026, Government Code, to read as follows:

(l) To the extent practicable, the comptroller shall ensure that the guide is available to the public in a large-print format and in other alternate formats as necessary to enable all consumers to use the guide.

(m) In conducting the work needed to develop the statewide consumer guide for senior citizens, the interagency work group shall consult with consumer and provider groups involved in the delivery of long-term care services.

- (n) The work group shall also develop and submit to the comptroller:
- (1) a list of necessary senior services that are not generally available;
 - (2) recommendations for improving coordinated delivery of a continuum of care for senior citizens; and
 - (3) recommendations relating to a comprehensive bill of rights for senior citizens.

Explanation: This change is necessary to ensure that the senior citizen consumer guide is available in large-print and other alternate formats and to ensure that the working group is fully utilized by requiring the group to develop broad recommendations relating to senior citizens and aging.

(4) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add text in proposed Section 101.031(b), Human Resources Code, to read as follows:

The agency shall make the guide available in a large-print format and in alternate formats as necessary to enable all senior citizens to use the guide.

Explanation: This change is necessary to ensure that the senior citizen consumer guide is available in large-print and other alternate formats.

HR 1073 was adopted without objection.

SB 228 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Telford, the house granted the request of the senate for the appointment of a conference committee on **SB 228**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 228**: Hightower, chair, Place, Goodman, Keel, and Woolley.

SB 1284 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Chavez, the house granted the request of the senate for the appointment of a conference committee on **SB 1284**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 1284**: Chavez, chair, Corte, Rabuck, Hodge, and Wise.

HB 1235 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Junell submitted the following conference committee report on **HB 1235**:

Austin, Texas, May 21, 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 1235** have met

and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Ratliff	Junell
Brown	Cuellar
Sibley	Rangel
Truan	West
Zaffirini	Haggerty
On the part of the Senate	On the part of the House

HB 1235, A bill to be entitled An Act relating to authorizing the issuance of revenue bonds for certain public institutions of higher education.

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

SECTION 1. Section 55.17(e), Education Code, is amended by adding Subdivision (4) to read as follows:

(4) In addition to the other authority granted by this subchapter, the board of regents of Texas Tech University and the Texas Tech University Health Sciences Center may issue bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board to finance the items listed under Subdivision (1) of this subsection in an additional aggregate principal amount for Texas Tech University not to exceed \$30 million, and in an additional aggregate principal amount for the Texas Tech University Health Sciences Center not to exceed \$32.5 million. The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of Texas Tech University or the Texas Tech University Health Sciences Center, including student tuition charges required or authorized by law to be imposed on students enrolled at Texas Tech University or at the Texas Tech University Health Sciences Center. The amount of a pledge made under this subdivision may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding. Of the proceeds of bonds authorized by this subdivision for the Texas Tech University Health Sciences Center, \$2.5 million may be used only to build and equip a surgical and medical facility in the Midland County Hospital District for a cardiology residency program.

SECTION 2. Subchapter B, Chapter 55, Education Code, is amended by adding Sections 55.1721, 55.1722, 55.1723, 55.1724, 55.1725, 55.1726, 55.1727, and 55.1728 to read as follows:

Sec. 55.1721. THE TEXAS A&M UNIVERSITY SYSTEM. (a) In addition to the other authority granted by this subchapter, the board of regents of The Texas A&M University System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for the following institutions to be financed by the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board in aggregate principal amounts not to exceed the following amounts:

- (1) Prairie View A&M University, \$15 million;
- (2) Tarleton State University, \$15 million;
- (3) Texas A&M University, \$12.5 million;

- (4) Texas A&M University Health Science Center, \$6 million;
- (5) Texas A&M University—Commerce, \$4.2 million;
- (6) Texas A&M University—Corpus Christi, \$25 million;
- (7) Texas A&M International University, \$39.5 million;
- (8) Texas A&M University—Kingsville, \$15 million;
- (9) Texas A&M University—Texarkana, \$4 million; and
- (10) West Texas A&M University, \$9 million.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of The Texas A&M University System, including student tuition charges required or authorized by law to be imposed on students enrolled at an institution, branch, or entity of The Texas A&M University System. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The Texas A&M University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its constitutional and statutory duties and purposes.

(d) Of the proceeds of bonds authorized by this section for Texas A&M International University, \$4.5 million may be used only to purchase library books, journals, and other library materials, equipment, and furniture for the university's library.

Sec. 55.1722. THE UNIVERSITY OF TEXAS SYSTEM. (a) In addition to the other authority granted by this subchapter, the board of regents of The University of Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for the following institutions to be financed by the issuance of bonds in accordance with this subchapter, including bonds issued in accordance with its systemwide revenue financing program and secured as provided by that program in aggregate principal amounts not to exceed the following amounts:

- (1) The University of Texas at Arlington, \$16 million;
- (2) The University of Texas at Austin, \$12.5 million;
- (3) The University of Texas at Brownsville, \$22.5 million;
- (4) The University of Texas at Dallas, \$5 million;
- (5) The University of Texas at El Paso, \$14 million;
- (6) The University of Texas—Pan American, \$17 million;
- (7) The University of Texas of the Permian Basin, \$25.8 million;
- (8) The University of Texas at San Antonio, \$50 million;
- (9) The University of Texas at Tyler, \$9.5 million;
- (10) The University of Texas Southwestern Medical Center at Dallas, \$20 million;
- (11) The University of Texas Health Science Center at Houston, \$17.5 million; and
- (12) the Lower Rio Grande Valley Academic Health Center, \$30 million, if that institution is established.

(b) The board may pledge irrevocably to the payment of those bonds all

or any part of the revenue funds of an institution, branch, or entity of The University of Texas System, including student tuition charges required or authorized by law to be imposed on students enrolled at an institution, branch, or entity of The University of Texas System. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The University of Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its constitutional and statutory duties and purposes.

(d) Of the proceeds of bonds authorized by this section:

(1) for The University of Texas at San Antonio, \$35 million may be used only to build or construct the university's downtown campus, phase III; and

(2) for The University of Texas at Tyler:

(A) \$4 million may be used only for an upper-level educational center at Longview; and

(B) \$500,000 may be used only for The University of Texas at Tyler, Nursing-Palestine Extension.

Sec. 55.1723. THE UNIVERSITY OF HOUSTON SYSTEM. (a) In addition to the other authority granted by this subchapter, the board of regents of the University of Houston System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for the following institutions to be financed by the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board in an aggregate principal amount not to exceed the following amounts:

(1) the University of Houston, \$12 million;

(2) the University of Houston—Downtown, \$7.5 million; and

(3) the University of Houston—Victoria, \$10 million.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of the University of Houston System, including student tuition charges required or authorized by law to be imposed on students enrolled at an institution, branch, or entity of the University of Houston System. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the University of Houston System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.1724. TEXAS STATE UNIVERSITY SYSTEM. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may acquire, purchase, construct, improve,

renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for the following institutions to be financed by the issuance of bonds in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board in aggregate principal amounts not to exceed the following:

- (1) Angelo State University, \$20 million;
- (2) Lamar University—Beaumont, \$8 million;
- (3) Lamar University Institute of Technology, \$2 million;
- (4) Lamar University—Orange, \$3.5 million;
- (5) Lamar University—Port Arthur, \$2.75 million;
- (6) Sam Houston State University, \$7.5 million;
- (7) Southwest Texas State University, \$19.7 million; and
- (8) Sul Ross State University, \$17.5 million.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of the Texas State University System, including student tuition charges required or authorized by law to be imposed on students enrolled at an institution, branch, or entity of the Texas State University System. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

Sec. 55.1725. UNIVERSITY OF NORTH TEXAS AND UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER AT FORT WORTH. (a) The board of regents of the University of North Texas may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for the University of North Texas or the University of North Texas Health Science Center at Fort Worth to be financed by the issuance of bonds in accordance with this subchapter in the aggregate principal amounts not to exceed \$20 million for the University of North Texas and \$19 million for the University of North Texas Health Science Center at Fort Worth.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of the University of North Texas or the University of North Texas Health Science Center at Fort Worth, including student tuition charges required or authorized by law to be imposed on students enrolled at the University of North Texas or the University of North Texas Health Science Center at Fort Worth. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds between the University of North Texas and the University of North Texas Health Science Center at Fort Worth to ensure the most equitable and efficient allocation of available resources for the University of North Texas and the University of North Texas Health Science Center at Fort Worth to carry out their duties and purposes.

Sec. 55.1726. TEXAS WOMAN'S UNIVERSITY. (a) The board of regents of Texas Woman's University may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for Texas Woman's University to be financed by the issuance of bonds in accordance with this subchapter in the aggregate principal amount not to exceed \$8.5 million.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of Texas Woman's University, including student tuition charges required or authorized by law to be imposed on students enrolled at Texas Woman's University. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

Sec. 55.1727. MIDWESTERN STATE UNIVERSITY. (a) The board of regents of Midwestern State University may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for Midwestern State University to be financed by the issuance of bonds in accordance with this subchapter in the aggregate principal amount not to exceed \$9 million.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of Midwestern State University, including student tuition charges required or authorized by law to be imposed on students enrolled at Midwestern State University. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

Sec. 55.1728. STEPHEN F. AUSTIN STATE UNIVERSITY. (a) The board of regents of Stephen F. Austin State University may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for Stephen F. Austin State University to be financed by the issuance of bonds in accordance with this subchapter in the aggregate principal amount not to exceed \$6 million.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of Stephen F. Austin State University, including student tuition charges required or authorized by law to be imposed on students enrolled at Stephen F. Austin State University. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

SECTION 3. Subchapter B, Chapter 55, Education Code, is amended by adding Section 55.174 to read as follows:

Sec. 55.174. TEXAS SOUTHERN UNIVERSITY. (a) In addition to other authority granted by this subchapter, the board of regents of Texas Southern University may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for Texas Southern University to be financed by the issuance of bonds in accordance with this subchapter and in accordance with a revenue financing program adopted by the board in an aggregate principal amount not to exceed \$18 million.

(b) The board may pledge irrevocably to the payment of those bonds all

or any part of the revenue funds of Texas Southern University, including student tuition charges required or authorized by law to be imposed on students enrolled at the university. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

SECTION 4. Section 61.0572(e), Education Code, is amended to read as follows:

(e) Approval of the board is not required to acquire real property that is financed by bonds issued under Section 55.17(e)(3) or (4), [or] 55.1713-55.1718, 55.1721-55.1728, or 55.174 [of this code], except that the board shall review all real property to be financed by bonds issued under those sections to determine whether the property meets the standards adopted by the board for cost, efficiency, and space use. If the property does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION 5. Section 61.058(b), Education Code, is amended to read as follows:

(b) This section does not apply to construction, repair, or rehabilitation financed by bonds issued under Section 55.17(e)(3) or (4), [or] 55.1713-55.1718, 55.1721-55.1728, or 55.174 [of this code], except that the board shall review all construction, repair, or rehabilitation to be financed by bonds issued under those sections to determine whether the construction, rehabilitation, or repair meets the standards adopted by board rule for cost, efficiency, and space use. If the construction, rehabilitation, or repair does not meet those standards, the board shall notify the governor, the lieutenant governor, the speaker of the house of representatives, and the Legislative Budget Board.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Representative Junell moved to adopt the conference committee report on **HB 1235**.

The motion prevailed.

HB 1710 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative G. Lewis submitted the following conference committee report on **HB 1710**:

Austin, Texas, May 20, 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 1710** have met

and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Harris	G. Lewis
Wentworth	Thompson
Duncan	Crabb
Luna	Solis
Ellis	Luna
On the part of the Senate	On the part of the House

HB 1710, A bill to be entitled An Act relating to the appointment of bailiffs for the district courts in Tarrant County that give preference to criminal cases.

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

SECTION 1. Sections 53.001(a) and (e), Government Code, are amended to read as follows:

(a) The judges of the 22nd, 30th, 70th, 71st, 78th, 89th, 161st, and 341st district courts, the judges of the district courts having jurisdiction in Taylor County, the judges of the county courts at law of Taylor County, and the judge of the County Court of Harrison County shall each appoint a bailiff. ~~[The judge of the 297th District Court shall appoint two persons to serve as bailiffs and one person to serve as grand jury bailiff.]~~

(e) The county sheriff shall appoint one bailiff for each district court in Tarrant County that gives preference to criminal cases ~~[the 297th District Court]~~ in the same manner as authorized by law.

SECTION 2. Section 53.002, Government Code, is amended by adding Subsection (g) to read as follows:

(g) The judge of each district court in Tarrant County that gives preference to criminal cases may appoint two persons to serve as bailiffs. The board of district judges in Tarrant County that gives preference to criminal cases may appoint one bailiff for each grand jury.

SECTION 3. Section 53.003(b), Government Code, is amended to read as follows:

(b) The judge of each court listed in Sections 53.001(d) and 53.002(a), (c), (e), and (f), ~~[and] the judge [judges] of the [297th and] 341st District Court, and the judge of each district court in Tarrant County that gives preference to criminal cases [courts]~~ shall give each commissioners court in the judicial district written notification of the bailiff's or grand jury bailiff's appointment and date of employment. The judge of each court listed in Section 53.002(c) and the judge of each district court in Tarrant County that gives preference to criminal cases ~~[the 297th District Court]~~ shall also give each commissioners court written notification of the compensation to be paid by the county.

SECTION 4. Section 53.004(b), Government Code, is amended to read as follows:

(b) To be eligible to be appointed bailiff in the 30th, 78th, 86th, 89th, 97th, or 341st district court, the County Court of Harrison County, a court described in Section 53.002(c), a district court in Taylor County, a county court at law of Taylor County, or bailiff or grand jury bailiff in a district court in Tarrant County that gives preference to criminal cases ~~[the 297th District Court]~~, a

person must be a resident of the county in which the person serves the court and must be at least 21 years old.

SECTION 5. Section 53.006(c), Government Code, is amended to read as follows:

(c) A bailiff or grand jury bailiff appointed under Section 53.001(d) or 53.002(a), (c), (e), or (f), ~~[or] by the judge [judges] of the [297th and] 341st District Court, or by a judge of a district court in Tarrant County that gives preference to criminal cases [courts]~~ has only the duties assigned by the judge of the court that the bailiff or grand jury bailiff serves.

SECTION 6. Sections 53.007(a) and (c), Government Code, are amended to read as follows:

(a) This section applies to:

(1) the 22nd, 34th, 70th, 71st, 86th, 97th, 142nd, 161st, 238th, ~~[297th,]~~ 318th, 341st, and 355th district courts;

(2) the County Court of Harrison County;

(3) the criminal district courts of Tarrant County;

(4) the district courts in Taylor County;

(5) the courts described in Section 53.002(c), (d), (e), or (f); ~~[and]~~

(6) the county courts at law of Taylor County; and

(7) the district courts in Tarrant County that give preference to criminal cases.

(c) A request under this section by a judge of a court listed in Section 53.001(d), 53.002(a), 53.002(c), or 53.002(e), by the judge [judges] of the [297th and] 341st District Court, by a judge of a district court in Tarrant County that gives preference to criminal cases [courts], by the judge of a district court in Taylor County, or by the judge of a county court at law of Taylor County must be in writing.

SECTION 7. Section 53.008, Government Code, is amended to read as follows:

Sec. 53.008. OATH. The bailiffs of the 22nd, 34th, 70th, 86th, 97th, 142nd, 161st, 238th, ~~[297th,]~~ 318th, 341st, and 355th district courts, the bailiffs of the courts described in Section 53.002(c), (d), (e), or (f), the bailiffs and the grand jury bailiffs [bailiff] of the district courts in Tarrant County that give preference to criminal cases [297th District Court], the bailiffs of the district courts in Taylor County, and the bailiffs of the county courts at law of Taylor County shall each swear to the following oath, to be administered by the judge: "I solemnly swear that I will faithfully and impartially perform all duties as may be required of me by law, so help me God."

SECTION 8. Section 53.009(f), Government Code, is amended to read as follows:

(f) The bailiffs and grand jury bailiffs [bailiff] appointed by the judges [judge] of the district courts in Tarrant County that give preference to criminal cases [297th District Court] are entitled to receive from the county general fund a salary set in writing by the judge that is in the same pay grade as the salary of certified and noncertified peace officers who are appointed as bailiffs by the sheriff. The county shall administer the bailiff salary under salary administration guidelines.

SECTION 9. This Act takes effect September 1, 1997.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Representative G. Lewis moved to adopt the conference committee report on **HB 1710**.

The motion prevailed.

HB 1836 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Goolsby submitted the following conference committee report on **HB 1836**:

Austin, Texas, May 20, 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 1836** 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.

Carona
Shapiro
Ratliff
Gallegos

Siebert
Yarbrough
Goolsby

On the part of the Senate On the part of the House

HB 1836, A bill to be entitled An Act relating to the interval between internal inspections of certain boilers.

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

SECTION 1. Section 755.026, Health and Safety Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) With the approval of the commissioner and the inspection agency that has jurisdiction for the power ~~[that]~~ boiler, the interval between internal inspections ~~[of a boiler]~~ may be extended to a period not exceeding a total of 48 ~~[24]~~ months ~~[for power boilers]~~. For other unfired steam boilers, the inspection interval may be extended to the next scheduled downtime of the ~~[that]~~ boiler, but not exceeding a total of 84 ~~[60]~~ months.

(e) If the interval between internal inspections of a gas fired boiler is extended under Subsection (a), the commissioner and inspection agency shall require that an inspection of the gas regulator or pressure reducing valve that services the boiler be performed as part of the next regularly scheduled external certificate inspection of the boiler to verify proper venting of gas to a safe point of discharge.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Representative Goolsby moved to adopt the conference committee report on **HB 1836**.

The motion prevailed.

HB 1880 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Thompson submitted the following conference committee report on **HB 1880**:

Austin, Texas, May 22, 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 1880** 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.

Truan	Thompson
Ratliff	Hartnett
Zaffirini	Luna
Sibley	Solis
Shapleigh	Crabb
On the part of the Senate	On the part of the House

HB 1880, A bill to be entitled An Act relating to the authority of the attorney general to enter into agreements with other jurisdictions for the establishment of child support and child custody orders.

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

SECTION 1. Section 231.002, Family Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) Consistent with federal law and any international treaty or convention to which the United States is a party and that has been ratified by the United States Congress, the Title IV-D agency may:

(1) on approval by and in cooperation with the governor, pursue negotiations and enter into reciprocal arrangements with the federal government, another state, or a foreign country or a political subdivision of the federal government, state, or foreign country to:

(A) establish and enforce child support obligations; and

(B) establish mechanisms to enforce an order providing for possession of or access to a child rendered under Chapter 153;

(2) spend money appropriated to the agency for child support enforcement to engage in international child support enforcement; and

(3) spend other money appropriated to the agency necessary for the agency to conduct the agency's activities under Subdivision (1).

(e) [(†)] The Title IV-D agency may take any action with respect to execution, collection, and release of a judgment or lien for child support necessary to satisfy the judgment or lien.

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

Representative Thompson moved to adopt the conference committee report on **HB 1880**.

The motion prevailed.

SB 606 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Hinojosa submitted the conference committee report on **SB 606**.

Representative Hinojosa moved to adopt the conference committee report on **SB 606**.

The motion prevailed.

HB 10 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 10, A bill to be entitled An Act relating to a nonsubstantive revision of statutes relating to financial institutions, financial businesses, and credit, including conforming amendments, repeals, and penalties.

On motion of Representative Brimer, the house concurred in the senate amendments to **HB 10**. (Finnell recorded voting present, not voting)

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

Amend **HB 10** as follows:

(1) In the heading of Section 38.054, Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1172, line 21), between "**MEDIA**" and "**SERVICES**", insert "**AND SUBSCRIPTION**".

(2) At the end of Section 38.054(1), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1173, line 1), strike "or".

(3) Add a new Section 38.054(2), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1173, between lines 1 and 2), to read as follows:

"(2) a person selling merchandise under an arrangement in which the seller periodically ships the merchandise to a consumer who has consented in advance to receive the merchandise periodically; or".

(4) At the beginning of existing Section 38.054(2), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1173, line 2), strike "(2)" and substitute "(3)".

(5) At the end of Section 38.058(1), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1174, line 3), add "or".

(6) Strike Section 38.058(2), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1174, lines 4-7).

(7) At the beginning of existing Section 38.058(3), Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1174, line 8), strike "(3)" and substitute "(2)".

(8) In the heading to Section 38.059, Business & Commerce Code, as added by SECTION 2 of the bill (House engrossment, page 1174, line 13), between "LOCATIONS" and the period, insert "OR AT CONSUMER'S RESIDENCE".

HB 130 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 130, A bill to be entitled An Act relating to the authority of the commissioners court of a county to alter speed limits on county roads.

On motion of Representative Pitts, the house concurred in the senate amendments to **HB 130** by (Record 524): 140 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Giddings; Solomons; Turner, S.

Absent — Bonnen; Pickett; Ramsay; Wilson.

Senate Amendment No. 1

Amend **HB 130** at line 21 by inserting between the word "limit" and the word "on" the following:

"of not less than 30 miles per hour"

**HB 253 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 253, A bill to be entitled An Act relating to granting limited state law enforcement authority to certain agents or officers of the United States Government.

On motion of Representative Denny, the house concurred in the senate amendments to **HB 253** by (Record 525): 139 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; Culbertson; Danburg; Davila; Davis; Delisi; Denny; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Holzhauser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; 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; Smithe; Solis; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Driver; Giddings; Solomons; Turner, S.

Absent — Dutton; Greenberg; Hirschi; Marchant; McReynolds.

Senate Committee Substitute

CSHB 253, A bill to be entitled An Act relating to granting limited state law enforcement authority to certain agents or officers of the United States government.

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

SECTION 1. Article 2.122(a), Code of Criminal Procedure, is amended to read as follows:

(a) The following named criminal investigators of the United States shall

not be deemed peace officers, but shall have the powers of arrest, search and seizure as to felony offenses only under the laws of the State of Texas:

- (1) Special Agents of the Federal Bureau of Investigation;
- (2) Special Agents of the Secret Service;
- (3) Special Agents of the United States Customs Service [~~excluding border patrolmen and custom inspectors~~];
- (4) Special Agents of Alcohol, Tobacco and Firearms;
- (5) Special Agents of Federal Drug Enforcement Agency;
- (6) Inspectors of the United States Postal Service;
- (7) Special Agents and Law Enforcement Officers of the United States Forest Service;
- (8) Special Agents of the Criminal Investigation Division and Inspectors of the Internal Security Division of the Internal Revenue Service; [~~and~~]
- (9) Civilian Special Agents of the United States Naval Investigative Service;
- (10) Marshals and Deputy Marshals of the United States Marshals Service;
- (11) Special Agents of the United States Immigration and Naturalization Service; and
- (12) Special Agents of the United States Department of State, Bureau of Diplomatic Security.

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

LEAVE OF ABSENCE GRANTED

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

Christian on motion of Keffer.

HB 349 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

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

On motion of Representative Hamric, the house concurred in the senate amendments to **HB 349**.

Senate Amendment No. 1

Amend **HB 349** in SECTION 1., Sec. 2, Page 1, Line 63 in subdivision (C)(2) by adding "small-employer" between the words "a" and "plan".

**HB 583 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 583, A bill to be entitled An Act relating to public education, including the parental involvement division of the Texas Education Agency, waivers by school campuses and districts, public school campus report cards, liability of school districts, and the use of certain public school funds.

Representative Maxey moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 583**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 583**: Maxey, chair, Dutton, Ehrhardt, Hernandez, and Galloway.

**HB 658 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 658, A bill to be entitled An Act relating to the county of residence of certain persons released on parole or to mandatory supervision after serving sentences for sexual offenses.

On motion of Representative Burnam, the house concurred in the senate amendments to **HB 658**.

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

Amend **HB 658** by deleting "25" from page 1, line 15 and inserting "22"

**HB 697 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Dutton, the house concurred in the senate amendments to **HB 697**.

Senate Amendment No. 1

Amend **HB 697** as follows:

In SECTION 2, Subchapter C, Chapter 52, Government Code, proposed Section 52.034 (a)(4) (Committee Printing, page 1, lines 51-52), strike "or partially exclusive".

**HB 819 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 819, A bill to be entitled An Act relating to reducing the recidivism rate for individuals under the supervision of the Texas Department of Criminal Justice.

On motion of Representative Cuellar, the house concurred in the senate amendments to **HB 819**.

Senate Amendment No. 1

Amend **HB 819** as follows:

(1) In SECTION 4 of the bill, in proposed Section 497.003, Government Code, page 2, line 6, strike "odd-numbered" and substitute "calendar"

(2) Delete SECTION 7 of the bill, beginning on page 2, line 37, and renumber the subsequent sections accordingly.

(3) In SECTION 8 of the bill, delete subsections (d) and (e), and reletter the subsequent subsections accordingly.

**HB 1028 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

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

Representative Krusee moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1028**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 1028**: Krusee, chair, Mowery, B. Turner, Jackson, and Hamric.

**HB 1173 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1173, A bill to be entitled An Act relating to coverage by certain health benefit plans for certain serious mental illnesses.

On motion of Representative Coleman, the house concurred in the senate amendments to **HB 1173**. (Heflin recorded voting no)

Senate Committee Substitute

CSHB 1173, relating to coverage by certain health benefit plans for certain serious mental illnesses.

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

SECTION 1. Article 3.51-14, Insurance Code, is amended to read as follows:

Art. 3.51-14. COVERAGE [~~MANDATORY PROVISION OF BENEFITS~~] FOR CERTAIN SERIOUS MENTAL ILLNESSES

Sec. 1. DEFINITIONS [~~DEFINITION~~]. For purposes of this article:[]

(1) "Serious [~~serious~~] mental illness" means the following psychiatric illnesses as defined by the American Psychiatric Association in the Diagnostic and Statistical Manual (DSM) [~~HI-R~~]:

(A) [(+)] schizophrenia;

(B) [(2)] paranoid and other psychotic disorders;

(C) [(3)] bipolar disorder (hypomanic [~~mixed~~], manic, [~~and~~] depressive, and mixed);

(D) [(4)] major depressive disorders (single episode or recurrent); [~~and~~]

(E) [(5)] schizo-affective disorders (bipolar or depressive);

(F) pervasive developmental disorders;

(G) obsessive-compulsive disorders; and

(H) depression in childhood and adolescence.

(2) "Group health benefit plan" means a plan described by Section 2 of this article.

(3) "Small employer" has the meaning assigned by Article 26.02 of this code.

Sec. 2. SCOPE OF ARTICLE [~~MANDATORY COVERAGE; EXEMPTION~~]. (a) This article applies only to a group health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including:

(1) a group insurance policy or insurance agreement, a group hospital service contract, or a group evidence of coverage that is offered by:

(A) an insurance company;

(B) a group [~~Each insurer, nonprofit~~] hospital service [~~plan~~] corporation operating under [~~subject to~~] Chapter 20 of this code;

(C) a[-] health maintenance organization operating under [~~subject to~~] the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code);

(D) a fraternal benefit society operating under Chapter 10 of this code; or

(E) a stipulated premium insurance company operating under Chapter 22 of this code; and

(2) to the extent permitted by the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.), a group health benefit plan that is offered under:

(A) a multiple employer welfare arrangement as defined by Section 3, Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1002); or

(B) another analogous benefit arrangement [-~~employer, multiple employer, union, association, trustee, or other self-funded or self-~~

~~insured welfare or benefit plan, program, or arrangement that issues group health insurance policies, enters into health care service contracts or plans, or provides for group health benefits, coverage, or services in this state for hospital, medical, or surgical expenses incurred as a result of accident or sickness shall offer and make available to each group policyholder, contract holder, employer, multiple employer, union, association, or trustee under a group policy, contract, plan, program, or arrangement that provides hospital, surgical, and medical benefits, coverage for services and benefits on an expense-incurred, service, or prepaid basis for expenses incurred for the necessary care, diagnosis, and treatment of serious mental illnesses].~~

(b) This article ~~[section]~~ does not apply to coverage under:

- (1) a blanket accident and health insurance policy as that term is defined under Section 2, Article 3.51-6 of this code;
- (2) a short-term travel policy;
- (3) an accident-only policy;
- (4) a limited or specified-disease policy; or
- (5) a medicare supplement policy, as that term is defined under Section 1(3), Article 3.74 of this code.

(c) Notwithstanding Section 172.014, Local Government Code, or any other law, this article may apply to health and accident coverage provided by a pool created under Chapter 172, Local Government Code, if requested by an individual entity.

Sec. 3. REQUIRED ~~[LEVEL OF]~~ COVERAGE FOR SERIOUS MENTAL ILLNESSES. (a) Except as provided by Section 4 of this article, a group health benefit plan:

(1) must provide coverage for the following treatment of serious mental illness in each calendar year:

(A) 45 days of inpatient treatment; and

(B) 60 visits for outpatient treatment, including group and individual outpatient treatment;

(2) may not include a lifetime limit on the number of days of inpatient treatment or the number of outpatient visits covered under the plan; and

(3) [The coverage offered under this article for services and benefits for the condition of serious mental illness must be at least as favorable as the coverage made available for services and benefits provided by the insuring entity for other major illnesses and] must include the same [durational limits,] amount limits, deductibles, and coinsurance factors for serious mental illness as for physical illness.

(b) An issuer of a group health benefit plan may not count toward the number of outpatient visits required to be covered under Subsection (a)(1) of this section an outpatient visit for the purpose of medication management and must cover that outpatient visit under the same terms and conditions as it covers outpatient visits for treatment of physical illness.

(c) An issuer of a group health benefit plan may provide or offer coverage required under this section through a managed care plan.

Sec. 4. SMALL EMPLOYER COVERAGE. An issuer of a group health benefit plan to a small employer must offer the coverage described in Section 3 of this article but is not required to provide the coverage if the small employer rejects the coverage.

Sec. 5. CERTAIN BENEFITS PROHIBITED. (a) This article may not be interpreted to require a group health benefit plan to provide coverage for treatment of:

(1) addiction to a controlled substance or marihuana that is used in violation of law; or

(2) mental illness resulting from the use of a controlled substance or marihuana in violation of law.

(b) In this section, "controlled substance" and "marihuana" have the meanings assigned by Section 481.002, Health and Safety Code.

SECTION 2. This Act takes effect September 1, 1997, and applies only to a group health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 1998. A group health benefit plan that is delivered, issued for delivery, or renewed before January 1, 1998, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Senate Amendment No. 1

Amend **CSHB 1173** as follows:

Strike subsection (c) of Sec. 2 SCOPE OF ARTICLE (committee printing page 2, lines 21 through 24).

HB 1356 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

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

On motion of Representative Counts, the house concurred in the senate amendments to **HB 1356** by (Record 526): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; 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; Maxey; McCall; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna;

Shields; Siebert; Smith; Smithee; Solis; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Christian; Driver; Giddings; Solomons; Turner, S.

Absent — Gutierrez; Marchant; McClendon; McReynolds; Ramsay; Turner, B.

Senate Committee Substitute

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

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

SECTION 1. Chapter 213, Acts of the 54th Legislature, Regular Session, 1955 (Article 21.07-1, Vernon's Texas Insurance Code), is amended by adding Section 5A to read as follows:

Sec. 5A. FUNERAL PREARRANGEMENT LIFE INSURANCE AGENT.

(a) In this section, "funeral prearrangement life insurance agent" means a life insurance agent who, subject to the limitations of this section, writes only life insurance policies and fixed annuity contracts to secure the delivery of funeral services and merchandise under prepaid funeral contracts regulated by the Texas Department of Banking under Chapter 512, Acts of the 54th Legislature, Regular Session, 1955 (Article 548b, Vernon's Texas Civil Statutes).

(b) The commissioner shall issue a limited purpose license to act as a funeral prearrangement life insurance agent for an authorized legal reserve life insurance company to an applicant other than a partnership or corporation after receiving certification from the insurance company that the applicant has completed a course of study and instruction offered by the insurance company and passed without aid a written examination administered by the insurance company.

(c) The commissioner shall authorize a legal reserve life insurance company to administer a funeral prearrangement life insurance agent examination after the commissioner approves for the insurance company a complete outline and explanation of the course of study and instruction on life insurance and fixed annuities for applicants and the nature and manner of conducting the examination for applicants. On or before September 1, 1997, the commissioner shall promulgate a uniform examination for applicants fairly addressing the information contained in the approved course of study and instruction.

(d) The course of study and instruction shall be for five (5) hours and shall include instruction on both the policies to be sold and the law relating to funeral prearrangement.

(e) The commissioner may investigate as necessary the manner and method of instruction and examination of each authorized legal reserve life insurance company. The commissioner may at the commissioner's discretion withdraw from an insurance company the authority to offer instruction and administer an examination.

(f) A funeral prearrangement life insurance agent licensed under this section may not:

(1) act as an agent for an insurance company unless the agent acts under the supervision of a person or corporation who holds a license to act as a legal reserve life insurance agent for that insurance company and who holds or is an authorized representative of the holder of a permit from the Texas Department of Banking to sell prepaid funeral benefits under Chapter 512, Acts of the 54th Legislature, Regular Session, 1955 (Article 548b, Vernon's Texas Civil Statutes);

(2) write any coverage or combination of coverages with an initial guaranteed death benefit in excess of \$15,000 on any life; or

(3) act as an agent for more than one insurance company.

(g) The commissioner shall stamp "FUNERAL PREARRANGEMENT LIFE INSURANCE AGENT LICENSE" on a license issued under this section.

(h) A license issued under this section to act as an agent for an insurance company expires when the license holder ceases to act as an agent for that insurance company. Within fifteen (15) days after the license holder ceases to act as an agent for an insurance company, the insurance company shall send written notification of the expiration of the license to the commissioner.

(i) An applicant for or holder of a license issued under this section is not subject to the requirements of this article, other than the requirements of Sections 5A and 12.

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

HB 1418 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1418, A bill to be entitled An Act relating to the regulation of motor carriers of household goods; providing a penalty.

On motion of Representative Alexander, the house concurred in the senate amendments to **HB 1418**.

Senate Committee Substitute

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

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

SECTION 1. Sections 3(a) and (e), Article 6675c, Revised Statutes, are amended to read as follows:

(a) A motor carrier may not operate a commercial motor vehicle, as defined by Section 548.001, Transportation Code, [~~140A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes);~~]

or a tow truck on a road or highway of this state unless the carrier registers with the department under this article.

(e) The department shall issue a certificate containing a single registration number to a motor carrier, regardless of the number of vehicles requiring registration the carrier operates. The department shall issue a cab card as described by Section 5 of this article for each vehicle requiring registration the motor carrier operates. To avoid multiple registrations of a single motor carrier, the department shall adopt simplified procedures for the registration of motor carriers transporting household goods as agents for carriers required to register under this article.

SECTION 2. Sections 4(a), (b), and (d), Article 6675c Revised Statutes, are amended to read as follows:

(a) A motor carrier that is required to register under Section 3 of this article shall maintain liability insurance in an amount set by the department for each vehicle requiring registration the carrier operates. The department by rule may set the amount of liability insurance required at an amount that does not exceed the amount required for a motor carrier under federal regulations adopted under 49 U.S.C. Section 10927(a)(1). In setting the amount the department shall consider:

- (1) the class and size of the vehicle; and
- (2) the type of persons or cargo being transported.

(b) A motor carrier required to register under Section 3 of this article transporting household goods shall maintain cargo insurance in the same amount required for a motor carrier transporting household goods under federal law.

(d) A motor carrier that is required to register under Section 3 of this article must file with the department proof of insurance in the amounts required by Subsections (a) and (b) of this section, or proof of financial responsibility as described by Subsection (c) of this section, in a form prescribed by the department. The form must be filed:

- (1) at the time of the initial registration;
- (2) at the time of a subsequent registration, if the motor carrier was required to be continuously registered under this article and the carrier failed to maintain continuous registration;
- (3) at the time a motor carrier changes insurers; and
- (4) at the time a motor carrier changes ownership, as determined by rules adopted by the department.

SECTION 3. Section 7(a), Article 6675c, Revised Statutes, is amended to read as follows:

(a) The department may suspend or revoke a registration issued under this article if:

- (1) a motor carrier fails to maintain insurance or proof of financial responsibility as required by Section 4(a) or (b) or Section 8(c)(5) of this article;
- (2) a motor carrier fails to keep proof of insurance in the cab of each vehicle as required by Section 4(e) of this article;
- (3) a motor carrier fails to register a vehicle requiring registration; or
- (4) a motor carrier knowingly provides false information on any form filed with the department under this section.

SECTION 4. Section 8, Article 6675c, Revised Statutes, is amended by amending Subsections (c) and (f) and adding Subsection (g) to read as follows:

(c) The department shall adopt rules to protect consumers who use the services of a motor carrier ~~[who is required to register under Section 3 of this article and]~~ who is transporting household goods for compensation ~~[that are at least as stringent as the corresponding provisions of 49 C.F.R. Part 1056. The department may adopt rules under this subsection that are more stringent than the corresponding federal provisions. A motor carrier transporting household goods shall list a place of business with a street address in this state and the carrier's registration number issued under this article in any print advertising published in this state].~~ The department may adopt all such rules as are necessary to ensure that customers of household goods movers are protected from deceptive or unfair practices and unreasonably hazardous activities on the part of the movers. Such rules shall ~~[may]~~ include but are not limited to measures to:

(1) establish a formal process for resolving disputes over fees and damages ~~[apart from the method of mediation in Subsection (f) of this section];~~

(2) require a carrier to indicate clearly to consumers whether estimates are binding or nonbinding and disclose the maximum price a consumer could be required to pay; ~~[and]~~

(3) create a centralized process for making complaints about a carrier which also allows consumers to inquire about a carrier's complaint record;

(4) require a motor carrier transporting household goods to list a place of business with a street address in this state and the carrier's registration number issued under this article in any print advertising published in this state;

(5) require motor carriers who are required to register under this section to file proof of cargo insurance in amounts to be determined by the department that do not exceed the amount required for a motor carrier transporting household goods under federal law and shall allow alternative proof of financial responsibility, through surety bonds, letters of credit, or other means satisfactory to the department, for contractual obligations to customers that do not exceed \$5,000 aggregate loss or damage to total cargo shipped at any one time; and

(6) require motor carriers who are required to register under this section to conspicuously advise consumers concerning limitation of any carrier liability for loss or damage as determined under Subdivision (7); and

(7) determine reasonable provisions governing limitation of liability for loss or damage of motor carriers required to register under this section, not to exceed 60 cents per pound per article.

(f) The department shall appoint a rules advisory committee consisting of representatives of motor carriers transporting household goods using small, medium, and large equipment, the public, and the department. Members of the committee serve at the pleasure of the department and are not entitled to compensation or reimbursement of expenses for serving on the committee. The department may adopt rules to govern the operations of the advisory committee. The committee shall:

(1) examine the rules adopted by the department under Subsection (c) of this section and make recommendations to the department on modernizing and streamlining the rules;

(2) conduct a study of the feasibility and necessity of requiring any

vehicle liability insurance for household goods carriers required to register under this section; and

(3) pursuant to Subsection (c)(7) of this section, recommend a maximum level of liability limitation that does not exceed 60 cents per pound. [All collective associations of motor carriers transporting household goods, or agents thereof, which have received approval for collective ratemaking agreements under Section 9(d) of this article shall provide a method of mediation for consumers to receive resolution through mediation of disputes over fees, damages, and services. All costs associated with such mediation shall be borne by the motor carriers, the agents thereof, or the association. All carriers and agents who are parties to collective agreements approved under Section 9(d) of this article must participate in consumer complaint resolution, including participation in the mediation process and advertisement of the availability of mediation in all contracts or estimate proposals. Any complaint mediation that is not resolved to the mutual agreement of all parties shall be reported to the department. Consumers shall be advised of their rights to seek resolution directly from the department. The department shall adopt rules that ensure such notification is available to consumers in a form and manner consistent with its duties under Subsection (c) of this section.]

(g) The department shall require motor carriers who are not required to register under Section 3 of this article to register their operations before transporting household goods for compensation. The department shall determine the forms and procedures for such registration. The department shall charge a motor carrier who registers under this subsection a fee that does not exceed the total of the fees imposed by Section 3 of this article.

SECTION 5. Section 10, Article 6675c, Revised Statutes, is amended to read as follows:

Sec. 10. Criminal penalty. (a) A person commits an offense if the person fails to:

- (1) register as required by Section 3 or 8 of this article;
- (2) maintain insurance or proof of financial responsibility as required by Section 4 or 8 of this article; or
- (3) keep a cab card in the cab of a vehicle as required by Section 5(a) of this article.

(b) A person commits an offense if the person solicits the transportation of household goods for compensation without being registered as required by Section 3 or 8 of this article.

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

SECTION 6. Section 1(1), Article 6675d, Revised Statutes, is amended to read as follows:

(1) "Commercial motor vehicle" means a motor vehicle described by Section 548.001(1), Transportation Code [has the meaning assigned by Section 140A, Uniform Act regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes)].

SECTION 7. Section 5, Article 6675d, Revised Statutes, is amended by adding Subsection (c) to read as follows:

(c) A rule adopted by the director under this article relating to hours of service, an operator's record of duty status, or an operator's daily log, for

operations outside a 150-mile radius of the normal work-reporting location, also applies to and must be complied with by a motor carrier, as defined by Section 1, Article 6675c, Revised Statutes, of household goods not using a commercial motor vehicle, as defined by Section 548.001, Transportation Code.

SECTION 8. The study required by Section 8(f)(2), Article 6675c, Revised Statutes, as added by this Act, must be completed not later than July 1, 1998, and any resulting rules shall be made to take effect January 1, 1999.

SECTION 9. This Act takes effect September 1, 1997.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HB 1611 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative B. Turner called up with senate amendments for consideration at this time,

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

On motion of Representative B. Turner, the house concurred in the senate amendments to **HB 1611** by (Record 527): 122 Yeas, 18 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Coleman; Cook; Counts; Cuellar; Danburg; Davila; Davis; Delisi; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Flores; Gallego; Galloway; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Hartnett; Hawley; Hernandez; Hightower; Hilbert; Hinojosa; Hirsch; Hochberg; Hodge; Holzheuser; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; 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.; Rhodes; Roman; Sadler; Seaman; Serna; Siebert; Smith; Smithee; Solis; Staples; Stiles; Swinford; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Clark; Corte; Crabb; Craddick; Culberson; Denny; Finnell; Heflin; Hilderbran; Hill; Horn; Kubiak; Nixon; Reyna, E.; Shields; Talton; Williams; Woolley.

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

Absent, Excused — Christian; Driver; Giddings; Solomons; Turner, S.

Absent — Gutierrez; Marchant.

STATEMENT OF VOTE

I was shown voting no on Record No. 527. I intended to vote yes.

Hilderbran

Senate Committee Substitute

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

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

SECTION 1. Title 102, Revised Statutes, is amended by adding Article 6053-2a to read as follows:

Art. 6053-2a. TESTING OF NATURAL GAS PIPING SYSTEMS IN SCHOOL DISTRICT FACILITIES

Sec. 1. (a) At least every two years, before the beginning of the school year, each school district shall pressure test the natural gas piping system in each school district facility. The testing may be performed on a two-year cycle under which the district pressure tests the natural gas piping system in approximately one-half of the facilities each year. If a school district operates one or more school district facilities on a year-round calendar, the pressure test in each of those facilities must be conducted and reported not later than July 1 of the year in which the pressure test is performed. A test performed under a municipal code will satisfy the pressure testing requirements.

(b) The pressure test shall determine whether the natural gas piping downstream of the school district's meter holds at least normal operating pressure over a specified period determined by the Railroad Commission of Texas.

(c) During the pressure test, each system supply inlet and outlet in the facility must be closed.

(d) At the request of a school district, the Railroad Commission of Texas shall assist the district in developing a procedure for conducting the test.

(e) Notwithstanding any other provision of this section, a school district's compliance with the inspection requirement concerning the pressure in the natural gas piping systems in school district facilities under the code of a municipality in which the school district is located satisfies the pressure testing requirements under this section.

Sec. 2. (a) Each school district shall provide written notice to the district's natural gas supplier specifying the date and result of each pressure test or other inspection.

(b) The supplier shall maintain a copy of the notice until at least the first anniversary of the date on which the supplier received the notice.

(c) The supplier shall terminate service to a school district facility if:

(1) the supplier receives official notification from the firm or individual conducting the test of a hazardous natural gas leakage in the facility piping system; or

(2) the district fails to perform a test or other inspection at the facility as required by this article.

(d) An identified natural gas leakage in a school district facility must be reported to the board of trustees of the district in which the facility is located.

(e) For purposes of this section, "supplier" means the individual or company selling and delivering the natural gas to a school district facility. If more than one individual or company sells and delivers natural gas to facilities

of a school district, each individual or company is a supplier for purposes of this section.

Sec. 3. The Railroad Commission of Texas shall enforce this article.

SECTION 2. Notwithstanding Article 6053-2a, Revised Statutes, as added by this Act, if a school district is not able, before the beginning of the 1997-1998 school year, to perform the tests or other inspections of natural gas piping system pressure as required by that article, the district shall perform the tests or other inspections as soon as practicable thereafter. In that case, a supplier, as defined by Article 6053-2a, Revised Statutes, as added by this Act, may not terminate service to a school district facility if:

(1) the district gives written notice to the supplier before the beginning of the 1997-1998 school year that the district is not able to perform the tests or other inspections before the beginning of the school year; or

(2) the Railroad Commission of Texas orders the supplier not to terminate the service.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senate Amendment No. 1

Amend **CSHB 1611** as follows:

On page 1, Sec. 1, delete subsection (e) (lines 37-42).

HB 1734 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1734, A bill to be entitled An Act relating to the monitoring of community mental health and mental retardation centers and local mental health and mental retardation authorities.

On motion of Representative Delisi, the house concurred in the senate amendments to **HB 1734**.

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

Amend **HB 1734** as follows:

Strike subsection (e) of SECTION 1 of the bill (Engrossed printing page 1, line 19 through page 2, line 12) and substitute the following:

(e) The Board shall direct the Commissioner to appoint a committee to develop a plan which recommends:

(1) the most efficient and effective number of local authorities;

(2) the scope of responsibilities to be delegated by the state authority to the local authority;

(3) criteria by which local authorities shall be selected, including:

(A) demonstrated ability to assure consumer and family member participation in service planning and service evaluation;

(B) ability to demonstrate public accountability for service costs, quality, and outcomes for persons served;

(C) demonstrated ability to assemble and manage a network of service providers, assuring consumer choice;

(D) demonstrated ability to coordinate and direct a comprehensive array of mental health or mental retardation services; and

(E) a requirement that local authorities comply with V.T.C.A. Government Code Chapters 551 and 552;

(4) a selection process that:

(A) allows all qualified and interested entities to be fairly and objectively considered for the designation as a local authority; and

(B) results in a final selection that is based on cost effectiveness and ultimately the best interest of consumers and their families;

(5) criteria to ensure that contracting by the local authorities with providers:

(A) allows all qualified providers to be eligible to compete for contracts;

(B) results in the selection of the best bid, evaluated by cost-effectiveness and quality; and

(C) promotes choice by consumers among services and service providers;

(6) a time frame for implementation; and

(7) strategies to ensure that services are not disrupted.

(f) The Commissioner shall assure that:

(1) the committee membership includes an equal number of representatives of consumers, family members, existing local authorities, and private sector entities, including not for profit and for profit entities;

(2) safeguards are established to prevent any member from participating in the adoption of specific selection or bid criteria, any committee decision or any other action that may result in an unfair competitive advantage or otherwise compromise the selection process; and

(3) the committee deliberations are fully accessible to the public with ample opportunities for public input and participation.

(g) The plan approved by the committee shall be submitted to the Board for approval. Prior to approval of the plan, the Board shall provide:

(1) public notice of its intent to consider the proposed plan;

(2) an opportunity for public hearings on the proposed plan; and

(3) public access to the proposed plan.

(h) The Board shall submit the approved plan to the Senate Health and Human Services Committee and the House Public Health Committee by September 1, 1998.

LEAVE OF ABSENCE GRANTED

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

Gutierrez on motion of Solis.

HB 1755 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

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

On motion of Representative Burnam, the house concurred in the senate amendments to **HB 1755**.

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

Amend **HB 1755** in SECTION 1 of the bill, in Subsection (c) of added Section 1B, Article 21.50, Insurance Code (engrossed version, page 2, line 2), between "(c)" and "In", by inserting the following:

If federal law requires a lender to provide a borrower with a written notice containing substantially the same information required by Subsection (a) of this section, a lender who provides the notice required by federal law within the period prescribed by federal law satisfies the notice requirement of Subsection (a) of this section.

(d)

HB 1886 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1886, A bill to be entitled An Act relating to certain juror donations.

On motion of Representative Craddick, the house concurred in the senate amendments to **HB 1886**.

Senate Amendment No. 1

Amend **HB 1886** as follows:

In SECTION 1, Section 61.003, subsection (a), (committee printing page 1, lines 12-26), strike

"(a) A person responsible under Section 62.013 or 62.014 for summoning prospective jurors to appear for jury service shall provide to each prospective juror a form letter that when signed by the prospective juror directs the county treasurer to donate all or part of the prospective juror's reimbursement for jury service to;"

and substitute the following:

"(a) Each ~~A person responsible under Section 62.013 or 62.014 for summoning prospective jurors to appear for jury service shall provide to each~~ prospective juror reporting for jury service shall be provided a form letter that when signed by the prospective juror directs the county treasurer to donate all ~~or part~~ of the prospective juror's reimbursement for jury service to;"

HB 1961 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

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

On motion of Representative Howard, the house concurred in the senate amendments to **HB 1961** by (Record 528): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; 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; 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; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Solomons; Turner, S.

Absent — Alexander; Dukes; Garcia.

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

Amend **HB 1961** as follows:

In SECTION 1, subsection (d), subdivision (1)(A), (page 2, line 9 engrossed version), strike "or" and insert "and" in lieu thereof.

HB 2033 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2033, A bill to be entitled An Act relating to coverage for services provided through telemedicine under certain health benefit plans.

On motion of Representative Gray, the house concurred in the senate amendments to **HB 2033**. (Heflin recorded voting no)

Senate Committee Substitute

CSHB 2033, A bill to be entitled An Act relating to coverage for services provided through telemedicine under certain health benefit plans.

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

SECTION 1. Subchapter E, Chapter 21, Insurance Code, is amended by adding Article 21.53F to read as follows:

Art. 21.53F. TELEMEDICINE

Sec. 1. DEFINITIONS. In this article:

(1) "Health benefit plan" means a plan described by Section 2 of this article.

(2) "Telemedicine" means the use of interactive audio, video, or other electronic media to deliver health care. The term includes the use of electronic media for diagnosis, consultation, treatment, transfer of medical data, and medical education. The term does not include services performed using a telephone or facsimile machine.

Sec. 2. SCOPE OF ARTICLE. (a) This article applies only to a health benefit plan that:

(1) provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including:

(A) an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage that is offered by:

(i) an insurance company;

(ii) a group hospital service corporation operating under Chapter 20 of this code;

(iii) a fraternal benefit society operating under Chapter 10 of this code;

(iv) a stipulated premium insurance company operating under Chapter 22 of this code; or

(v) a health maintenance organization operating under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code); or

(B) to the extent permitted by the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.), a health benefit plan that is offered by a multiple employer welfare arrangement as defined by Section 3, Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1002) or another analogous benefit arrangement; or

(2) is offered by an approved nonprofit health corporation that is certified under Section 5.01(a), Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), and that holds a certificate of authority issued by the commissioner under Article 21.52F of this code.

(b) This article does not apply to:

(1) a plan that provides coverage:

(A) only for a specified disease;

(B) only for accidental death or dismemberment;

(C) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury; or

(D) as a supplement to liability insurance;

(2) a small employer health benefit plan written under Chapter 26 of this code;

(3) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss);

(4) workers' compensation insurance coverage;

(5) medical payment insurance issued as part of a motor vehicle insurance policy; or

(6) a long-term care policy, including a nursing home fixed indemnity policy, unless the commissioner determines that the policy provides benefit coverage so comprehensive that the policy is a health benefit plan as described by Subsection (a) of this section.

Sec. 3. COVERAGE FOR TELEMEDICINE SERVICES. (a) A health benefit plan may not exclude a service from coverage under the plan solely because the service is provided through telemedicine and not provided through a face-to-face consultation.

(b) Benefits for a service provided through telemedicine required under this article may be made subject to a deductible, copayment, or coinsurance requirement. A deductible, copayment, or coinsurance applicable to a particular service provided through telemedicine may not exceed the deductible, copayment, or coinsurance required by the health benefit plan for the same service provided through a face-to-face consultation.

Sec. 4. INFORMED CONSENT. A treating physician or other health care provider who provides or facilitates the use of telemedicine shall ensure that the informed consent of the patient, or another appropriate person with authority to make health care treatment decisions for the patient, is obtained before services are provided through telemedicine.

Sec. 5. CONFIDENTIALITY. A treating physician or other health care provider who provides or facilitates the use of telemedicine shall ensure that the confidentiality of the patient's medical information is maintained as required by Section 5.08, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), or other applicable law.

Sec. 6. RULES. (a) Subject to Subsection (b) of this section, the commissioner may adopt rules as necessary to implement this article.

(b) The Texas State Board of Medical Examiners, in consultation with the commissioner, as appropriate, may adopt rules as necessary to:

(1) ensure that appropriate care is provided to patients who receive services that are provided through telemedicine; and

(2) prevent abuse and fraud through use of telemedicine services, including rules relating to filing of claims and records required to be maintained in connection with telemedicine.

SECTION 2. This Act takes effect September 1, 1997, and applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 1998. A health benefit plan that is delivered, issued for delivery, or renewed before January 1, 1998, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for this purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

**HB 2062 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Van de Putte called up with senate amendments for consideration at this time,

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

On motion of Representative Van de Putte, the house concurred in the senate amendments to **HB 2062**.

Senate Amendment No. 1

Amend **HB 2062** as follows:

(1) In Subsection (a) (page 1, line 18), at the end of the subsection, add the following: "This subsection is temporary and expires September 1, 2001."

(2) After Subsection (b) (page 1, line 47), add the following new subsection:

"(c) The Department shall provide evidence in proceedings before the commissioner or the designated hearings officer promoting the adoption of rates that promote access to full insurance coverage at rates that are fair and reasonable for underserved areas."

**HB 2261 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2261, A bill to be entitled An Act relating to providing the court with certain information regarding a party in a civil action.

On motion of Representative Thompson, the house concurred in the senate amendments to **HB 2261**.

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

Amend **HB 2261** in SECTION 1, on line 23 by deleting "an additional cost" and inserting "a fine".

**HB 2339 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2339, A bill to be entitled An Act relating to the extension of restrictions imposing regular assessments in certain residential real estate subdivisions.

Representative Talton moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2339**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 2339**: Talton, chair, Staples, Howard, Denny, and Heflin.

**HB 2380 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2380, A bill to be entitled An Act relating to the abolition of unnecessary governmental entities.

On motion of Representative Siebert, the house concurred in the senate amendments to **HB 2380**.

Senate Amendment No. 1

Amend **HB 2380** by deleting Article 2 in its entirety.

**HB 2394 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2394, A bill to be entitled An Act relating to course fees charged for certain courses at public institutions of higher education.

Representative Delisi moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2394**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 2394**: Delisi, chair, Rangel, Cuellar, Dunnam, and Kamel.

**HB 2503 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2503, A bill to be entitled An Act relating to certain solicitations made in relation to insured fire losses; providing a penalty.

Representative Garcia moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2503**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 2503**: Garcia, chair, Averitt, Burnam, G. Lewis, and Wise.

**HB 2517 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2517, A bill to be entitled An Act relating to the audit of public junior college districts.

Representative Dunnam moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2517**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 2517**: Dunnam, chair, Bailey, Cuellar, E. Reyna, and Solis.

**HB 2561 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2561, A bill to be entitled An Act relating to the administration of the Sexual Assault Prevention and Crisis Service.

On motion of Representative Gallego, the house concurred in the senate amendments to **HB 2561**.

Senate Committee Substitute

CSHB 2561, A bill to be entitled An Act relating to the administration of the Sexual Assault Prevention and Crisis Service.

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

SECTION 1. Chapter 44, Health and Safety Code, is redesignated as Chapter 420, Government Code, and amended to read as follows:

CHAPTER 420 [44]. SEXUAL ASSAULT PREVENTION
AND CRISIS SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 420.001 [~~44.001~~]. SHORT TITLE. This chapter may be cited as the Sexual Assault Prevention and Crisis Services Act.

Sec. 420.002 [~~44.002~~]. PURPOSE. The purpose of this chapter is to promote the development throughout the state of locally based and supported nonprofit programs for the survivors of sexual assault and to standardize the quality of services provided.

Sec. 420.003 [~~44.003~~]. DEFINITIONS. In this chapter:

- (1) "Program" means a sexual assault program.
- (2) "Service" means the Sexual Assault Prevention and Crisis Service.
- (3) "Sexual assault" means any act or attempted act as described by

Section 21.11, 22.011, 22.021, or 25.02, Penal Code[~~—or a sexual assault in which the spouse of the victim is the actor~~].

(4) "Sexual assault examiner" means a person who uses a service-approved evidence collection kit and protocol to collect and preserve evidence of a sexual assault or other sex offense.

(5) "Sexual assault nurse examiner" means a registered nurse who has completed a service-approved examiner training course.

(6) "Sexual assault program" means any local public or private nonprofit corporation, independent of a law enforcement agency or prosecutor's office, that is operated as an independent program or as part of a municipal, county, or state agency and that provides the minimum services established by this chapter.

(7) ~~[(5)]~~ "Survivor" means an individual who is a victim of a sexual assault, regardless of whether a report or conviction is made in the incident.

Sec. 420.004 ~~[44.004]~~. SERVICE. (a) The Sexual Assault Prevention and Crisis Service is a division in the office of the attorney general ~~[is in the department]~~.

(b) The attorney general ~~[board]~~ may adopt rules relating to assigning service areas, monitoring services, distributing funds, and collecting information from programs in accordance with this chapter.

Sec. 420.005 ~~[44.005]~~. GRANTS. (a) The attorney general ~~[department]~~ may award grants to programs for maintaining or expanding existing services. A grant may not result in the reduction of the financial support a program receives from another source.

(b) To be eligible for a grant, a program must provide at a minimum:

- (1) a 24-hour crisis hotline;
- (2) crisis intervention ~~[counseling]~~;
- (3) public education;
- (4) advocacy and accompaniment to hospitals, law enforcement offices, prosecutors' offices, and courts for survivors and their family members; and
- (5) ~~[professional training on sexual assault for law enforcement, medical and mental health personnel, prosecutors, and educators;~~
- ~~[(6)]~~ crisis intervention volunteer training~~[- and~~
- ~~[(7)] liaison with law enforcement and medical personnel and prosecutors on behalf of survivors].~~

(c) The attorney general ~~[board]~~ by rule shall require a program receiving a grant to:

- (1) submit quarterly and annual financial reports to the attorney general ~~[department]~~;
- (2) submit to an annual independent financial audit;
- (3) cooperate with the attorney general ~~[department]~~ during site-monitoring visits; and
- (4) offer the minimum services described by Subsection (b) for at least nine months before receiving a grant.

(d) This section does not prohibit a program from offering any additional service, including a service for sexual assault offenders.

(e) A grant is governed by Chapter 783 ~~[the Uniform Grant and Contract Management Act of 1981 (Article 4413(32g), Vernon's Texas Civil Statutes)]~~ and rules adopted under that chapter ~~[Act]~~.

(f) The receipt of grant money by a program may be suspended in case of a dispute about the eligibility of the program to receive the money under this chapter. A hearing on the dispute must be held within a reasonable time, as established by [department] rule by the attorney general.

Sec. 420.006. SPECIAL PROJECTS. The attorney general may consult and contract with or award grants to local and statewide programs for special projects to prevent sexual assault and improve services to survivors.

Sec. 420.007 ~~[44.006]~~. FUNDING. (a) The attorney general ~~[department]~~ may receive grants, gifts, or appropriations of money from the federal government, the state legislature, or private sources to finance the grant program created by this chapter.

(b) The attorney general ~~[department]~~ may not use more than 15 percent of the annual legislative appropriation to the service for the administration of this chapter.

(c) The sexual assault prevention and crisis services fund is a special account in the general revenue fund. Money deposited to the credit of the fund may be used only as provided by this subchapter and is not available for any other purpose.

Sec. 420.008 ~~[44.006]~~. SEXUAL ASSAULT PROGRAM FUND. (a) The sexual assault program fund is a special account in the general revenue fund.

(b) The fund consists of fees collected under Section 19(e) ~~[22(e)]~~, Article 42.12, and Section 8(p), Article 42.18, Code of Criminal Procedure.

(c) The legislature may appropriate money deposited to the credit of the fund only to the attorney general ~~[department]~~ to finance the grant program created by this chapter.

Sec. 420.009 ~~[44.007]~~. REPORT. The attorney general ~~[department]~~ shall publish a report on the service not later than December 10 ~~[before October 31]~~ of each even-numbered year. The report must summarize reports from programs receiving grants from the attorney general ~~[department]~~, analyze the effectiveness of the grants, and include information on the expenditure of funds authorized by this chapter, the services provided, the number of persons receiving services, and any other information relating to the provision of sexual assault services. A copy of the report shall be submitted to the governor, lieutenant governor, speaker of the house of representatives, Legislative Budget Board, Senate Committee on Health and Human Services or its successor committee, and House Committee on Human Services or its successor committee.

Sec. 420.010 ~~[44.008]~~. CONFIDENTIALITY. The attorney general ~~[department]~~ may not disclose any information received from reports, collected case information, or site-monitoring visits that would identify a person working at or receiving services from a program.

Sec. 420.011 ~~[44.009]~~. CERTIFICATION AND RULES. (a) The attorney general ~~[board]~~ may adopt rules necessary to implement this chapter. A proposed rule must be provided to programs receiving grants at least 60 days before the date of adoption.

(b) The attorney general shall adopt rules establishing minimum standards for the certification of a sexual assault training program. The certification is valid for two years from the date of issuance. The attorney general shall also

adopt rules establishing minimum standards for the suspension, decertification, or probation of a training program that violates this chapter.

(c) The attorney general shall adopt rules establishing minimum standards for the certification of a sexual assault nurse examiner, including standards for examiner training courses and for the interstate reciprocity of sexual assault nurse examiners. The certification is valid for two years from the date of issuance. The attorney general shall also adopt rules establishing minimum standards for the suspension, decertification, or probation of a sexual assault nurse examiner who violates this chapter.

Sec. 420.012 [44.010]. CONSULTATIONS. In implementing this chapter, the attorney general [department] shall consult persons and organizations having knowledge and experience relating to sexual assault.

Sec. 420.013. DEPOSIT BY COMPTROLLER; AUDIT. (a) The comptroller shall deposit any money received under this subchapter and any money credited to the program by another law in the sexual assault prevention and crisis services fund.

(b) The sexual assault prevention and crisis services fund is subject to audit by the comptroller. Money expended from the fund is subject to audit by the state auditor.

Sec. 420.014. ATTORNEY GENERAL SUPERVISION OF COLLECTION OF COSTS; FAILURE TO COMPLY. (a) If the attorney general reasonably believes that a court or a community supervision office has not properly assessed or made a reasonable effort to collect costs due under Article 42.12 or 42.18, Code of Criminal Procedure, the attorney general shall send a warning letter to the court or the governing body of the governmental unit in which the court is located.

(b) Not later than the 60th day after the receipt of a warning letter, the court or governing body shall respond in writing to the attorney general specifically addressing the charges in the warning letter.

(c) If the court or governing body does not respond or if the attorney general considers the response inadequate, the attorney general may request the comptroller to audit the records of:

(1) the court;

(2) the community supervision office;

(3) the officer charged with collecting the costs; or

(4) the treasury of the governmental unit in which the court is located.

(d) The comptroller shall provide the attorney general with the results of the audit.

(e) If the attorney general finds from available evidence that a court or a community supervision office has not properly assessed or made a reasonable effort to collect costs due under Article 42.12 or 42.18, Code of Criminal Procedure, the attorney general may:

(1) refuse to award grants under this subchapter to residents of the jurisdiction served by the court or community supervision office; or

(2) in the case of a court, notify the State Commission on Judicial Conduct of the findings.

(f) The failure, refusal, or neglect of a judicial officer to comply with a requirement of this subchapter constitutes official misconduct and is grounds for removal from office.

[Sections 420.015-420.030 reserved for expansion]

SUBCHAPTER B. COLLECTION AND PRESERVATION
OF EVIDENCE OF SEX OFFENSE

Sec. 420.031 ~~[44.031]~~. EVIDENCE COLLECTION PROTOCOL; KITS.

(a) The service shall develop and distribute to law enforcement agencies and proper medical personnel an evidence collection protocol that shall include collection procedures and a list of requirements for the contents of an evidence collection kit for use in the collection and preservation of evidence of a sexual assault or other sex offense. Medical ~~[If medical personnel]~~ or ~~[a]~~ law enforcement personnel collecting ~~[agency collects]~~ evidence of a sexual assault or other sex offense~~[- the medical personnel or the law enforcement agency]~~ shall ~~[obtain and]~~ use a service-approved ~~[an]~~ evidence collection kit and protocol ~~[as prescribed by the service]~~.

(b) An evidence collection kit must contain the following items:

(1) items to collect and preserve evidence of a sexual assault or other sex offense; and

(2) other items recommended by the Evidence Collection Protocol Advisory Committee of the attorney general ~~[board]~~ and determined necessary for the kit by the attorney general ~~[board]~~.

(c) In developing evidence collection procedures and requirements, the service shall consult with individuals and organizations having knowledge and experience in the issues of sexual assault and other sex offenses.

(d) A law enforcement agency that requests a medical examination of a victim of an alleged sexual assault or other sex offense for use in the investigation or prosecution of the offense shall pay the costs of the evidence collection kit. This subsection does not require a law enforcement agency to pay any costs of treatment for injuries.

(e) Evidence collected under this section may not be released unless the survivor of the offense or a legal representative of the survivor signs a written consent to release the evidence.

(f) Failure to comply with evidence collection procedures or requirements adopted under this section does not affect the admissibility of the evidence in a trial of the offense.

SECTION 2. This Act takes effect September 1, 1997.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

**HB 2626 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Delisi, the house concurred in the senate amendments to **HB 2626**.

Senate Amendment No. 1

Amend **HB 2626** by adding the following appropriately numbered SECTIONS and renumbering the remaining Sections of the bill accordingly:

SECTION _____. Section 51.918(b), Education Code, is amended to read as follows:

(b) The Texas Higher Education Coordinating Board shall:

(1) encourage and coordinate the creation or expansion of a rural preceptor program among medical schools, teaching hospitals, nursing schools, and schools of allied health sciences; and

(2) require family practice residency programs to provide an opportunity for residents to have a one-month rotation through:

(A) a rural setting; and

(B) a public health setting.

SECTION _____. The Texas Higher Education Coordinating Board shall require a family practice residency program to conform to Section 51.918(b), Education Code, as amended by this Act, as soon as practicable after the effective date of this Act without causing undue disruption in the curriculum of a student in a family practice residency program on the effective date.

**HB 2644 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 2644, A bill to be entitled An Act relating to systems and programs administered by the Teacher Retirement System of Texas.

Representative Telford moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2644**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 2644**: Telford, chair, Bosse, Gray, Rangel, and Tillery.

**HB 2681 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2681, A bill to be entitled An Act relating to the issuance of specially designed Texas license plates for Keep Texas Beautiful.

On motion of Representative Hawley, the house concurred in the senate amendments to **HB 2681** by (Record 529): 135 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Clark; Coleman; Cook; Corte; Counts;

Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; 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; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Staples; Stiles; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Solomons; Turner, S.

Absent — Chisum; Dutton; Flores; Place; Reyna, E.; Swinford.

Senate Amendment No. 1

Amend **HB 2681**, as follows:

Strike all below the enacting clause and substitute the following:

SECTION 1. Subchapter F, Chapter 502, Transportation Code, is amended by adding Section 502.2731 to read as follows:

Sec. 502.2731. KEEP TEXAS BEAUTIFUL LICENSE PLATES. (a) The department shall issue specially designed "Keep Texas Beautiful" license plates for passenger cars and light commercial motor vehicles having a manufacturer's rated carrying capacity of one ton or less. The license plates must include the words "Keep Texas Beautiful."

(b) The department shall design the license plate in consultation with Keep Texas Beautiful, Inc.

(c) The department shall issue license plates under this section to a person who:

(1) applies to the county assessor-collector of the county in which the person resides on a form provided by the department; and

(2) pays an annual fee of \$50, in addition to the fee prescribed by Section 502.161 or Section 502.162 and, if personalized prestige license plates are issued, in addition to the fee prescribed by Section 502.251.

(d) The department shall deposit fees collected under this section in the state treasury to the credit of the state highway fund.

(e) Forty-five dollars of each fee collected under Subsection (c)(2) may be used by the department only for the purposes of supporting the department's litter prevention and community beautification programs. The remainder of each fee collected may be used by the department only to defray the cost of administering this section.

(f) If license plates issued under this section are lost, stolen, or mutilated, the owner of the vehicle for which the license plates were issued may obtain

replacement license plates from the department by paying a replacement fee of \$5. If the owner of a vehicle for which license plates were issued under this section disposes of the vehicle during a registration year, the person shall return the special license plates to the department.

(g) There is no limit to the number of passenger cars and light commercial motor vehicles for which the person may apply for the issuance of license plates under this section.

SECTION 2. Section 502.252, Transportation Code, is amended to read as follows:

Sec. 502.252. CERTAIN SPECIALIZED PLATES AVAILABLE PERSONALIZED. A person applying for license plates under Section 502.258, 502.259, 502.260, 502.261, 502.262, 502.263, 502.264, 502.265, 502.269, 502.270, 502.271, 502.272, 502.273, 502.2731, or 502.274 may:

- (1) have a license plate number assigned by the department; or
- (2) apply for personalized prestige license plates under Section 502.251.

SECTION 3. This Act takes effect September 1, 1997.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HB 2874 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2874, A bill to be entitled An Act relating to the collection and disposal of information pertaining to a criminal combination.

On motion of Representative Goodman, the house concurred in the senate amendments to **HB 2874**.

Senate Amendment No. 1

Amend **HB 2874** as follows:

In SECTION 3, strike lines 21 through 35 of the committee printing and substitute the following:

Art. 61.06. DESTRUCTION OF RECORDS. (a) Except as provided by subsection (b), information ~~Information~~ collected under this chapter must be destroyed after two years if the individual has not been charged with criminal activity.

(b) The information destruction requirements of subsection (a) are suspended until September 1, 1999.

HB 3012 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3012, A bill to be entitled An Act relating to standard possession orders in suits affecting the parent-child relationship.

On motion of Representative McReynolds, the house concurred in the senate amendments to **HB 3012**.

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

Amend **HB 3012**, SECTION 1 of the bill, in amended Section 153.312(a), Family Code, in Subdivision (2) of that section (House Engrossment, page 1, line 24), between "resumes" and "[at 8 p.m.]", by inserting ", unless the court finds that visitation under this subdivision is not in the best interest of the child".

**HB 3086 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3086, A bill to be entitled An Act relating to statutory probate court judges.

On motion of Representative Hartnett, the house concurred in the senate amendments to **HB 3086**.

Senate Amendment No. 1

Amend **HB 3086** as follows:

On page 2 of the committee printing between lines 47 and 48 insert the following and renumber the subsequent sections appropriately:

"SECTION 3. Section 5, Texas Probate Code, is amended by adding Subsection (g) to read as follows:

(g) Notwithstanding any other law, a statutory county court created under Chapter 25, Government Code, that has the jurisdiction of a statutory probate court on August 31, 1997, retains that jurisdiction after that date. This subsection expires August 31, 1999.

SECTION 4. (a) An interim committee is created to study the statutory probate system and to determine the appropriate jurisdiction of probate courts in this state.

(b) The committee consists of six members, of whom:

(1) three shall be appointed by the lieutenant governor from the members of the Senate Committee on Jurisprudence; and

(2) three shall be appointed by the speaker of the house of representatives from the members of the House Committee on Judicial Affairs.

(c) The presiding officers appointing the members of the committee shall each appoint a presiding officer from among the members appointed to the committee.

(d) The committee shall convene at the call of the two presiding officers.

(e) The committee shall study the statutory probate system of this state and the jurisdiction of the various courts with probate jurisdiction and shall make recommendations concerning the appropriate jurisdiction of those courts.

(f) Not later than February 1, 1999, the committee shall report the committee's findings and recommendations to the lieutenant governor, the speaker of the house of representatives, and the members of the 76th Legislature.

(g) Not later than the 15th day after the effective date of this Act, the lieutenant governor and the speaker of the house of representatives shall appoint the members of the interim committee created under this section."

**HB 3137 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3137, A bill to be entitled An Act relating to adding new provisions to the Texas Workers' Compensation Act regarding judicial review, court judgments and settlements, and the Texas Workers' Compensation Commission's right to notice and opportunity to intervene prior to issuance of a judgment or settlement.

On motion of Representative Brimer, the house concurred in the senate amendments to **HB 3137**.

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

Amend **HB 3137** as follows:

In SECTION 1 of the bill, amend proposed subsection (g), Section 410.256, Labor Code (page 2, line 18, engrossed version), by striking "Section 410.259" and inserting "Section 410.258" in lieu thereof.

**HB 3139 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3139, A bill to be entitled An Act relating to confidentiality of certain workers' compensation information.

Representative Brimer moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3139**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 3139**: Brimer, chair, Dukes, Giddings, Rhodes, and Solomons.

**HB 3203 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3203, A bill to be entitled An Act relating to the disposition of unclaimed funds by nonprofit cooperative corporations.

On motion of Representative Counts, the house concurred in the senate amendments to **HB 3203**.

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

Amend **HB 3203** as follows:

On page 8, lines 20 through 23, strike everything after the word "organized" on line 20 and substitute the following:

, including other or additional purposes benefiting members and non-members, whether directly or through affiliates, described in Article 2.01(A), Texas Non-Profit Corporation Act (Article 1396-2.01(A), Vernon's Texas Civil Statutes).

**HB 3263 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3263, A bill to be entitled An Act relating to the sale of tax foreclosed property.

Representative Dutton moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3263**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 3263**: Dutton, chair, Bailey, Clark, Hodge, and Wohlgemuth.

**HB 3278 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3278, A bill to be entitled An Act relating to designating the Texas National Guard as a law enforcement agency in certain circumstances.

On motion of Representative Counts, the house concurred in the senate amendments to **HB 3278** by (Record 530): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; 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; 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; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Solomons; Turner, S.

Absent — Elkins; Krusee.

Senate Committee Substitute

CSHB 3278, A bill to be entitled An Act relating to designating the Texas National Guard Counterdrug Support Program as a law enforcement agency in certain circumstances.

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

SECTION 1. Subchapter C, Chapter 431, Government Code, is amended by adding Section 431.046 to read as follows:

Sec. 431.046. PROPERTY FORFEITURE. When the Texas National Guard Counterdrug Support Program assists a federal law enforcement agency in enforcing drug laws, the Texas National Guard Counterdrug Support Program is considered to be a law enforcement agency of the state for the purpose of participating in the sharing of property seized or forfeited to the United States under federal law.

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

HB 3279 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3279, A bill to be entitled An Act relating to charges for access to Texas Workers' Compensation Commission information.

On motion of Representative Counts, the house concurred in the senate amendments to **HB 3279** by (Record 531): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Clark; Coleman; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davila; Davis; Delisi; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; 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; Naishat;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Solomons; Turner, S.

Absent — Cook.

Senate Amendment No. 1

Amend **HB 3279** by inserting the following sentence in between the words "available." and "The" on page 1 at line 16 of the committee printing:

However, when a request for information is for the inspection of 10 or fewer pages, and a copy of the information is not requested, the commission may charge only the cost of making a copy of the page from which confidential information must be redacted.

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).

HR 1086 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1086**, suspending the limitations on the conferees for **SB 190**.

HB 3383 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3383, A bill to be entitled An Act relating to the operation of the Texas catastrophe property insurance pool.

On motion of Representative Eiland, the house concurred in the senate amendments to **HB 3383**.

Senate Committee Substitute

CSHB 3383, A bill to be entitled An Act relating to the operation of the Texas catastrophe property insurance pool.

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

SECTION 1. The legislature finds that:

(1) the cost of housing will increase in the first tier coastal counties, as defined by Section 3, Article 21.49, Insurance Code, with the implementation of any new building code imposed under that article;

(2) increased costs will have a negative effect on economic development for all coastal areas, driving growth further inland where housing is more affordable;

(3) the new building code standards will lower the risk of insurers that write business in the first tier coastal counties; and

(4) legislative action in the public interest and within the police power of the state is required to eliminate the negative impact of new building code standards on consumers through insurance rate reductions.

SECTION 2. Section 3, Article 21.49, Insurance Code, is amended by adding Subsection (o) to read as follows:

(o) "New building code" means any new building standard, specification, or guideline adopted by the commissioner after May 1, 1997, that must be met before any new residential construction qualifies for a certificate of compliance that is evidence of insurability of the structure by the Association.

SECTION 3. Article 21.49, Insurance Code, is amended by adding Section 8E to read as follows:

Sec. 8E. RATE ROLLBACK. (a) This section applies only to policies or coverages that are issued by the association to cover new residential construction, excluding additions or repairs to existing structures, built to the standards of a new building code.

(b) The commissioner shall hold a rulemaking hearing under Chapter 2001, Government Code, to determine the percentage of equitable across-the-board reductions in insurance rates required for Texas windstorm and hail insurance coverage written by the association.

(c) Not later than the 180th day after the date a building code is implemented, the commissioner shall issue an order mandating the appropriate rate reductions.

(d) If, before the 181st day after the date a new building code is implemented, the commissioner has not issued an order establishing rate reductions for Texas windstorm and hail insurance on new residential construction built to the standards of a new building code, or the order has not become final because of judicial intervention or any other reason, the commissioner shall require a six-percent across-the-board reduction.

(e) Notwithstanding Article 1.33B of this code, a hearing under this section shall be held before the commissioner or the commissioner's designee.

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

HB 3428 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3428, A bill to be entitled An Act relating to financial assistance and related services for victims of family violence.

On motion of Representative Naishtat, the house concurred in the senate amendments to **HB 3428**.

Senate Amendment No. 1

Amend **HB 3428** on page 1, line 53 by striking "71.01" and substituting "71.004".

**HB 3522 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3522, A bill to be entitled An Act relating to the administration and enforcement of the workers' compensation law; providing penalties.

Representative Rhodes moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 3522**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 3522**: Rhodes, chair, Brimer, Dukes, Solomons, and Woolley.

**HCR 21 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HCR 21, declaring rodeo the official sport of Texas.

On motion of Representative Siebert, the house concurred in the senate amendments to **HCR 21**.

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

Amend **HCR 21** as follows:

On page 2, line 11, between "in" and "Houston" insert "Fort Worth".

**HB 1168 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1168, A bill to be entitled An Act relating to the Texas Manufacturing Institute.

On motion of Representative Greenberg, the house concurred in the senate amendments to **HB 1168** by (Record 532): 130 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Brimer; Burnam; Carter; Chavez; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Danburg; Davila; Davis; Delisi; Denny;

Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; 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; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Siebert; Smith; Smithee; Solis; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wise; Wohlgemuth; Woolley; Zbrank.

Nays — Culberson; Hartnett; Williams.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Solomons; Turner, S.

Absent — Bosse; Edwards; Oliveira; Olivo; Reyna, E.; Shields; Stiles; Wolens; Yarbrough.

STATEMENTS OF VOTE

When Record No. 532 was taken, my vote failed to register. I would have voted yes.

Olivo

When Record No. 532 was taken, I was in the house but away from my desk. I would have voted yes.

Shields

When Record No. 532 was taken, I was in the house but away from my desk. I would have voted yes.

Wolens

Senate Committee Substitute

CSHB 1168, A bill to be entitled An Act relating to the Texas Manufacturing Institute.

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

SECTION 1. Section 484.001, Government Code, is amended to read as follows:

Sec. 484.001. ESTABLISHMENT. The Texas Manufacturing Institute shall be established as a nonprofit corporation, organized under the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), to carry out the purposes of this chapter [consists of governmental agencies, educational institutions, and other entities, involved in the promotion of manufacturing, that join as members of the institute].

SECTION 2. Section 484.002, Government Code, is amended to read as follows:

Sec. 484.002. DUTIES. The institute shall:

(1) identify needs within Texas' manufacturing infrastructure, work to meet those needs, promote Texas' manufacturing strengths and capabilities, and communicate the importance of manufacturing to the state's economic future;

(2) develop a program of activities that will improve Texas' manufacturing capabilities by enhancing existing research, educational, and technical training programs aimed at developing and transferring new manufacturing technologies and at increasing the skilled work force in manufacturing;

(3) take all opportunities for cooperation among manufacturing programs of participating ~~[its member]~~ institutions;

(4) encourage the development of the statewide manufacturing program among participating ~~[its member]~~ institutions, including the areas of microelectronics, electronics assembly, automation and robotics, concurrent engineering, computer integrated manufacturing, artificial intelligence applications, and flexible manufacturing systems; and

(5) seek opportunities to facilitate cooperative efforts among participating institutions ~~[members of the institute]~~, other educational institutions in this state, private research organizations, industry, and federal laboratories.

SECTION 3. Section 484.003, Government Code, is amended to read as follows:

Sec. 484.003. GOVERNING ~~[POLICY]~~ BOARD. (a) The institute is governed by an initial ~~[a policy]~~ board of directors composed of the executive director of the Texas Department of Commerce or the director's designee and one member appointed by the lieutenant governor, one member appointed by the speaker of the house of representatives, and one member appointed by each entity participating in the institute ~~[one member appointed by each member institution]~~. The bylaws of the corporation shall provide for a permanent board of directors, which must include the executive director of the Texas Department of Commerce or the director's designee, a member appointed by the lieutenant governor, and a member appointed by the speaker.

(b) The board of directors:

(1) shall submit an annual budget for the institute to the Legislative Budget Board;

(2) shall submit an annual report for the institute to the governor, the lieutenant governor, the speaker of the house of representatives, and the executive director of the Texas Department of Commerce by December 1 of each year. The report shall detail the efforts made by the institute to fulfill the duties outlined in this chapter and include specific information on the outcome of those efforts.

(3) is subject to chapter 551, Government Code. ~~[The policy board shall elect the chairman from among the policy board's members. The chairman serves a two-year term. A person who has been chairman is not eligible to be elected chairman. The policy board shall establish policies and strategies necessary for the institute to accomplish the purposes of this chapter.]~~

SECTION 4. Section 484.005, Government Code, is amended to read as follows:

Sec. 484.005. ~~PUBLIC [AND PRIVATE] FUNDS.~~ (a) ~~The Texas Department of Commerce may enter into performance based contracts with the institute for the purpose of providing [may receive] state-appropriated funds for use [and use the funds] as matching funds for federal grants for [proposals and contracts to provide specialized equipment and facilities for members of the institute and to assist with technology transfer to Texas industry, and as seed funds for new] programs and purposes within the scope of the institute. The contract must adequately provide for the department's oversight of the use of state funds to ensure that those funds are being used by the institute in accordance with the contract.~~ The institute may accept gifts, donations, and grants, including federal funds, to support its purposes and programs.

SECTION 5. Chapter 484, Government Code, is amended by adding Sections 484.008 and 484.009 to read as follows:

Sec. 484.008. INFORMATION CONFIDENTIAL. (a) Information relating to a product or process and the application or use of a product or process, technological and scientific information, including computer programs, and manufacturing and business systems and processes of the customer, developed in whole or part by a customer of the institute, are confidential and are not subject to disclosure under state law or otherwise, regardless of whether the product or process is patentable or capable of being registered under copyright or trademark laws or has a potential for being sold, traded, or licensed for a fee.

(b) Nothing in this chapter prevents or restricts the institute from obtaining information relating to a product or process from an applicant or recipient of institute services or from obtaining information related to the results of services provided to the customer.

Sec. 484.009. IMMUNITY FROM LIABILITY. (a) A member of the board or another person acting on behalf of the institute in executing a contract, commitment, or agreement under this chapter is not personally liable on the contract, commitment, or agreement.

(b) A member of the board or another person acting on behalf of the institute is not personally liable for damage or injury resulting from the performance of duties under this chapter.

SECTION 6. Chapter 484, Government Code, is amended by adding Section 484.010 to read as follows:

Sec. 484.010. AUDIT. The institute is subject to audit by the state auditor.

SECTION 7. Sections 484.004, 484.006, and 484.007, Government Code, are repealed.

SECTION 8. The Texas Department of Commerce shall conduct a study to determine when the institute can become a self-supporting entity no longer requiring state-appropriated funds. The department shall issue the report to the governor, lieutenant governor, the speaker of the house of representatives, and the director of the Legislative Budget Board no later than December 1, 1997.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

HB 3054 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3054, A bill to be entitled An Act relating to the creation of an immunization registry and to reporting requirements concerning immunizations; providing a criminal penalty.

On motion of Representative Berlanga, the house concurred in the senate amendments to **HB 3054**.

Senate Amendment No. 1

Amend **HB 3054** as follows:

(1) In Section 161.007, Health and Safety Code, as added by SECTION 1 of the bill (page 1, lines 16-42, Senate Committee Printing), strike Subsections (a), (b), (c), and (d) and substitute the following:

(a) The department, for purposes of establishing and maintaining a single repository of accurate, complete, and current immunization records to be used in aiding, coordinating, and promoting efficient and cost-effective childhood communicable disease prevention and control efforts, shall establish and maintain a childhood immunization registry. The department by rule shall develop guidelines to:

(1) protect the confidentiality of patients in accordance with Section 5.08, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes);

(2) inform a parent, managing conservator, or guardian of each patient about the registry;

(3) require the written consent of a parent, managing conservator, or guardian of a patient before any information relating to the patient is included in the registry; and

(4) permit a parent, managing conservator, or guardian to withdraw consent for the patient to be included in the registry.

(b) The childhood immunization registry must contain information on the immunization history that is obtained by the department under this section of each person who is younger than 18 years of age and for whom consent has been obtained in accordance with guidelines adopted under Subsection (a). The department shall remove from the registry information for any person for whom consent has been withdrawn.

(c) An insurance company, a health maintenance organization, or another organization that pays or reimburses a claim for an immunization of a person younger than 18 years of age shall provide an immunization history to the department. An insurance company, health maintenance organization, or other organization is not required to provide an immunization history to the department under this subsection for a person for whom consent has not been obtained in accordance with guidelines adopted under Subsection (a) or for whom consent has been withdrawn.

(d) A health care provider who administers an immunization to a person younger than 18 years of age shall provide an immunization history to the department unless the immunization history is submitted to an insurance

company, a health maintenance organization, or another organization that pays or reimburses a claim for an immunization to a person younger than 18 years of age. The report shall be in a format prescribed by the department, which may include submission in writing, by electronic means, or by voice. A health care provider is not required to provide an immunization history to the department under this subsection for a person for whom consent has not been obtained in accordance with guidelines adopted under Subsection (a) or for whom consent has been withdrawn.

(2) In Section 161.007(h), Health and Safety Code, as added by SECTION 1 of the bill (page 1, lines 60-61, Senate Committee Printing), strike "as provided by Section 161.008 or".

(3) In Section 161.008, Health and Safety Code, as added by SECTION 1 of the bill (page 2, lines 8-21, Senate Committee Printing), strike Subsection (c) and substitute the following:

(c) The department, only with the consent of a child's parent, managing conservator, or guardian, may:

(1) obtain the data constituting an immunization record for the child from a public health district, a local health department, or a physician to the child; or

(2) release the data constituting an immunization record for the child to a public health district, a local health department, a physician to the child, or a school or child care facility in which the child is enrolled.

Senate Amendment No. 2

Amend **HB 3054** in SECTION 1, at the end of proposed Subsection (f), Section 161.007, Health and Safety Code (page 1, line 53, senate committee printing), by inserting between "properly" and the period ", subject to Section 161.004(d)".

HR 481 - ADOPTED (by Holzheuser)

Representative Holzheuser moved to suspend all necessary rules to take up and consider at this time **HR 481**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 481, In memory of Tom O'Connor, Jr.

HR 481 was unanimously adopted by a rising vote.

On motion of Representative D. Jones, the names of all the members of the house were added to **HR 481** as signers thereof.

HCR 292 - ADOPTED (by Eiland)

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HCR 292**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 292

WHEREAS, **HB 1855** has been adopted by the house of representatives and the senate; and

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

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to correct House Bill No. 1855 by striking the last sentence of Section 151.318(q), Tax Code, as amended by Senate Floor Amendment No. 1, and substituting the following:

"Semiconductor fabrication cleanrooms and equipment" are not "intraplant transportation equipment" or "used incidentally in a manufacturing, processing, or fabrication operation" as those terms are used in Subsections (c)(1) and [Subsection] (c)(2).

HCR 292 was adopted without objection.

HR 1085 - ADOPTED

(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 1085**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1085, In memory of Norberto Daniel Cortez Garcia.

HR 1085 was unanimously adopted by a rising vote.

HCR 294 - ADOPTED

(by Gutierrez)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 294**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 294

WHEREAS, **HB 2071** 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 2071** by striking Section 154.005(d), Local Government Code, as added by Senate Committee Amendment No. 1 and amended by Senate Floor Amendment No. 1, and substituting the following:

"(d) A constable may receive, in addition to Subsection (c), all fees, commissions, or payments for delivering notices required by Section 24.005, Property Code, relating to eviction actions. Notices may only be delivered when not in conflict with the official duties and responsibilities of the constable.

A constable delivering said notices must not be wearing upon his or her person a uniform or any insignia which would usually be associated with the position of constable nor may the constable use a county vehicle or county equipment while delivering said notices. For purposes of collecting fees for serving said notices, a constable is considered a private process server."

HCR 294 was adopted without objection.

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

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 297**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HCR 297

WHEREAS, **HB 1133** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

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

RESOLVED by the 75th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 1133** in Section 2 of the bill, in the amendment of Section 5.178(b)(2)(A), Water Code, by striking "361.034".

HCR 297 was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Health, on recess today, Desk 138, to consider pending bills.

County Affairs, on recess today, Desk 4, to consider pending business.

Civil Practices, on recess today, Desk 6, to consider pending business.

RECESS

Representative D. Jones moved that the house recess until 1:15 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:19 p.m., recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the speaker.

RESOLUTIONS 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.)

POSTPONED BUSINESS

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

SB 360 ON SECOND READING
(Stiles - House Sponsor)

SB 360, A bill to be entitled An Act relating to the review and continuation of certain state agencies and laws subject to the Texas Sunset Act.

SB 360 was read second time on May 21, postponed until May 22, postponed until May 23, and was again postponed until 10 a.m. today.

Representative Berlanga moved to postpone consideration of **SB 360** until 10 a.m. Sunday, May 25.

The motion prevailed without objection.

CSSB 841 ON SECOND READING
(Hilbert - House Sponsor)

CSSB 841, A bill to be entitled An Act relating to ad valorem taxation.

CSSB 841 was read second time on May 23 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Hilbert offered the following amendment to **CSSB 841**:

Amend **CSSB 841** (House Committee Substitute) as follows:

(1) On page 1, line 23, after the word "An" and before the language to be removed, insert the words "individual who is otherwise eligible to serve on the board is not ineligible because of membership on the governing body of a taxing unit. An".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Talton offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by striking SECTION 4 of the bill and renumbering subsequent SECTIONS accordingly.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Hilbert offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

(1) On page 4, line 14, between "former" and "officer", insert "member of the governing body".

(2) On page 4, line 15, between "unit" and "is", insert ", or former officer, director, or employee of the appraisal district".

(3) On page 4, line 19, between "board" and "is", insert "or is a former member of the governing body, officer or employee of a taxing unit, or former officer, director, or employee of the appraisal district".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representatives Holzhauser and Craddick offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

Add a new SECTION ____ to read as follows: Section 11.146, Tax Code is amended to read as follows:

Section 11.146. MINERAL INTEREST [~~HAVING~~] VALUE [~~OF LESS THAN \$500~~].

~~[(a) A person is entitled to an exemption from taxation of a mineral interest the person owns if the interest has a taxable value of less than \$500.] The market value of a mineral interest may not exceed its net taxable value according to the previous calendar year total of the Texas Monthly Report of Taxable Crude Oil, Producer Liability, and Texas Report of Natural Gas - Supplement, Net Taxable Value as determined by the comptroller pursuant to regulations adopted under Chapters 201 and 202.~~

~~[(b) The exemption provided by Subsection (a) applies to each separate taxing unit in which a person owns a mineral interest and, for the purpose of Subsection (a), all mineral interests in each taxing unit are aggregated to determine value.]~~

Amendment No. 4 was adopted. (Finnell recorded voting present not voting)

Amendment No. 5

Representative Shields offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

(1) Insert new SECTIONS to read as follows, and renumber existing SECTIONS appropriately:

SECTION _____. Section 11.42, Tax Code, is amended by adding Subsection (c) to read as follows:

(c) A person who acquires property after January 1 of a tax year may receive an exemption authorized by Section 11.17, 11.18, 11.19, 11.20, 11.21, 11.23, or 11.30 for the applicable portion of that tax year immediately on qualification for the exemption.

SECTION _____. Chapter 26, Tax code, is amended by adding Section 26.113 to read as follows:

Sec. 26.113. PRORATING TAXES—ACQUISITION BY NONPROFIT ORGANIZATION. (a) If a person acquires taxable property that qualifies for and is granted an exemption covered by Section 11.42(c) for a portion of the year in which the property was acquired, the amount of tax due on the property for that year is computed by multiplying the amount of taxes imposed on the property for the entire year as provided by Section 26.09 by a fraction, the denominator of which is 365 and the numerator of which is the number of days in that year before the date the property qualified for the exemption.

(b) If the exemption terminates during the year of acquisition, the tax due is computed by multiplying the taxes imposed for the entire year as provided by Section 26.09 by a fraction, the denominator of which is 365 and the numerator of which is the number of days the property does not qualify for the exemption.

(2) Strike lines 14-19 on page 19 and substitute the following:

(d) To receive an exemption the eligibility for which is determined by the claimant's qualifications on January 1 of the tax year, a [A] person required to claim an exemption must file a completed exemption application form before May 1 and must furnish the information required by the form. A person who after January 1 of a tax year acquires property that qualifies for an exemption covered by Section 11.42(c) must apply for the exemption for the applicable portion of that tax year before the first anniversary of the date the person acquires the property. For good cause shown the chief appraiser may extend the deadline for filing an exemption application by written order for a single period not to exceed 60 days.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Danburg offered the following amendment to **CSSB 841**:

Amend **CSSB 841** in SECTION 17 of the bill, proposed Section 11.43(j)(4), Tax Code (Committee Printing page 20, line 21), by striking "signed" and substituting "sworn".

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Keffer offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

On page 22, line 20, after the word "possible" and before the "." (period) insert the following: "and shall adjust the comparable sales to the subject property".

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative Hilbert offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by deleting Section 18 and adding a new Section 18 to read as follows:

Amend Section 25.01, Tax Code, by adding a new Subsection (d) to read as follows:

If the appraisal district determines the appraised value of a property by use of mass appraisal standards, the mass appraisal standards shall comply with the Uniform Standards of Professional Appraisal Practice.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Hilbert offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

(1) On page 21, line 22, SECTION 19, after the word "appraiser" and before the word "and" insert the following: "as applied to all properties within a property category".

(2) On page 21, line 27, SECTION 19, after the word "available" and before the word "on" insert the following: "to the property owner".

(3) On page 22, line 2, SECTION 19, after the word "the" and before "improvements": "owners".

Amendment No. 9 was adopted without objection.

Amendment No. 10

Representative Keffer offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding the following appropriately numbered section and renumbering the subsequent sections appropriately:

SECTION _____. Subchapter A, Chapter 23, Tax Code, is amended by adding Section 23.0_____ to read as follows:

Sec. 23.0_____. APPRAISAL METHODS USED. In determining the market value of property, the chief appraiser shall consider the cost, income, and market data comparison methods of appraisal.

Amendment No. 10 was adopted without objection.

(Haggerty in the chair)

Amendment No. 11

Representative Hilbert offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

In Section 20 of the bill, on page 24, lines 24-26, strike proposed Section 23.176(i), Tax Code.

Amendment No. 11 was adopted without objection.

Amendment No. 12

On behalf of Representative Ehrhardt, Representative Hilbert offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding to Section 20 of the Committee Substitute the following:

"Subchapter B, chapter 23, Tax Code, is amended by adding Sec. 23.23 which reads as follows:"

Section 23.23. 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 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. 12 was adopted without objection.

Amendment No. 13

Representative Patterson offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

(1) In the recital to SECTION 20 of the bill (committee printing, page 22, line 22), strike "and 23.22" and substitute "23.22, and 23.23".

(2) In SECTION 20 of the bill, after added Section 23.22(e), Tax Code (committee printing, page 26, after line 27), add the following:

Sec. 23.23. LAND USE OF WHICH IS RESTRICTED BY GOVERNMENTAL ENTITY. (a) Land is appraised at a nominal value if:

(1) the use of the land is subject to a restriction imposed by a governmental entity, including a restriction to preserve wildlife habitat;

(2) the owner of the land has not consented to the restriction; and

(3) the effect of the restriction is to prohibit all valuable uses of the land.

(b) If land appraised under Subsection (a) is sold, the seller shall notify the chief appraiser of the sale and the sale price not later than the 30th day after the effective date of the sale. The chief appraiser may require the seller to provide evidence of the sale price. If the sale price exceeds the appraised value, an additional tax is imposed on the land equal to the difference between the amount of taxes imposed on the land for each of the five years preceding the year in which the land is sold and the amount of taxes that would have been imposed had the land been appraised at the sale price in each of those years, plus interest at an annual rate of seven percent calculated from the dates on which the differences would have become due.

(c) A tax lien attaches to the land on the date of the sale to secure payment of the additional tax and interest imposed by Subsection (b) and any penalties incurred. The lien exists in favor of all taxing units for which the additional tax is imposed.

(d) The additional tax imposed by Subsection (b) does not apply to a year:

(1) for which an additional tax under Subsection (b) has already been imposed; or

(2) in which the land was not appraised under Subsection (a).

(e) If the sale applies to only part of a parcel that has been appraised under Subsection (a), the additional tax applies only to that part of the parcel and equals the difference between the amount of taxes imposed on that part of the parcel and the amount of taxes that would have been imposed had that part been taxed on the basis of the sale price.

(f) The assessor for each taxing unit shall prepare and deliver a bill for the additional taxes plus interest as soon as practicable. The taxes and interest are due and become delinquent and incur penalties and interest as provided by law for ad valorem taxes imposed by the taxing unit if not paid before the next February 1 that is at least 20 days after the date the bill is delivered to the owner of the land.

(g) The sanctions provided by Subsection (b) do not apply if the land is sold for a right-of-way or is condemned.

Amendment No. 13 was adopted without objection.

Amendment No. 14

Representative Kubiak offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by striking Section 21 of the bill and renumbering subsequent sections of the bill accordingly.

Amendment No. 14 was adopted without objection.

Amendment No. 15

Representative Pitts offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding a new section to the bill, appropriately numbered, to read as follows, and renumbering subsequent sections of the bill accordingly:

SECTION _____. Section 25.195, Tax Code, is amended to read as follows:

Sec. 25.195. INSPECTION BY PROPERTY OWNER. (a) After the chief appraiser has submitted the appraisal records to the appraisal review board as provided by Section 25.22(a) [~~of this code~~], a property owner or the owner's [his] designated agent may inspect the appraisal records relating to property of the property owner, together with supporting data, [and] schedules, and, except as provided by Subsection (b), any other material or information held by the chief appraiser, including material or information obtained under Section 22.27, that is obtained or used in making appraisals for the appraisal records relating to that property.

(b) The owner of property other than vacant land or real property used for residential purposes or the owner's agent may not inspect any material or information obtained under Section 22.27.

Amendment No. 15 was adopted without objection.

Amendment No. 16

Representative Talton offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

(1) Add the following appropriately numbered sections to the bill and renumber the subsequent sections appropriately:

SECTION _____. Section 25.25, Tax Code, is amended by amending Subsection (e) and adding Subsections (l) and (m) to read as follows:

(e) If the chief appraiser and the property owner do not agree to the correction before the 15th day after the date the motion is filed, a [A] party bringing a motion under Subsection (c) or (d) [~~of this section~~] is entitled on request to a hearing on and a determination of the motion by the appraisal review board. A party bringing a motion under this section must describe the error or errors that the motion is seeking to correct. Not later than 15 days before the date of the hearing, the board shall [must] deliver written notice of the date, time, and place of the hearing to the chief appraiser, the property owner, and the presiding officer of the governing body of each taxing unit in which the property is located. The chief appraiser, the property owner, and each taxing unit are entitled to present evidence and argument at the hearing and to receive written notice of the board's determination of the motion. A property owner who files the motion must comply with the payment requirements of Section 42.08 [~~of this code~~] or forfeit the [he forfeits his] right to a final determination of the motion.

(l) A motion may be filed under Subsection (c) regardless of whether, for a tax year to which the motion relates, the owner of the property protested under Chapter 41 an action relating to the value of the property that is the subject of the motion.

(m) The hearing on a motion under Subsection (c) or (d) shall be conducted in the manner provided by Subchapter C, Chapter 41.

SECTION _____. Section 42.01, Tax Code, is amended to read as follows:

Sec. 42.01. RIGHT OF APPEAL BY PROPERTY OWNER. A property owner is entitled to appeal:

(1) an order of the appraisal review board determining:

(A) a protest by the property owner as provided by Subchapter C of Chapter 41 ~~[of this code]; or~~

(B) a determination of an appraisal review board on a motion filed under Section 25.25; or

~~(2) [an order of the comptroller determining a protest by the property owner of the appraisal, interstate allocation, or intrastate apportionment of transportation business intangibles as provided by Subchapter A, Chapter 24 of this code; or~~

~~[(3)] an order of the comptroller issued as provided by Subchapter B, Chapter 24, [of this code] apportioning among the counties the appraised value of railroad rolling stock owned by the property owner.~~

(2) In SECTION 36 of the bill, add the following appropriately lettered subsection and reletter the subsequent subsections appropriately:

() The change in law made by this Act to Section 25.25, Tax Code, applies only to a motion to correct an appraisal roll filed on or after the effective date of this Act. A motion filed before the effective date of this Act is covered by the law in effect when the motion was filed, and that law is continued in effect for that purpose.

Amendment No. 16 was adopted without objection.

Amendment No. 17

Representative Hilbert offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

On page 33, line 19, strike Subsection (e) and substitute the following:

(e) A penalty imposed under Subsection (d) does not apply if:

(1) the exemption was granted by the appraisal district or board and not at the request or application of the property owner or the property owner's agent, or

(2) at any time before the date the tax becomes delinquent, the property owner gives to the chief appraiser of the appraisal district in which the property is located written notice of circumstances that would disqualify the owner for the exemption.

Amendment No. 17 was withdrawn.

Amendment No. 18

Representative Hilbert offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

(1) In Section 30 of the bill, on page 37, amend Section 41.43, Tax Code, as follows:

(a) On line 10, strike the word "or";

(b) On line 14, strike the period and substitute in its place the following: "or"; and

(c) Add a new subsection (b)(3) to Section 41.43, Tax Code, to read as follows:

(3) a reasonable number of comparable properties appropriately adjusted.

(2) Add a new section to the bill to read as follows:

SECTION _____. Section 42.26, Tax Code, is amended by adding Subsection (d) to read as follows:

(d) The district court shall grant relief on the ground that a property is appraised unequally if the appraised value of the property exceeds the median appraised value of a reasonable number of comparable properties appropriately adjusted.

Amendment No. 18 was adopted without objection.

MESSAGE FROM THE SENATE

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

CSSB 841 - (consideration continued)

Amendment No. 19

Representative Hilbert offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

In Section 33 of the bill, on page 40, lines 18-22, strike proposed Section 41.101, Tax Code, and substitute the following:

Section 41.101. Appeal. An order of the appraisal review board determining a protest under this subchapter is considered to have been issued under Subchapter C for purposes of appeal under Chapter 42. Judicial review of the protest is under the de novo rule.

Amendment No. 19 was adopted without objection. (The vote was reconsidered later today, and Amendment No. 19 was withdrawn.)

Amendment No. 20

Representative Heflin offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by striking SECTIONS 28, 29, and 33 of the bill and renumbering the subsequent sections and the cross-references to those sections appropriately.

Representative Hilbert moved to table Amendment No. 20.

The motion to table was lost.

Amendment No. 20 was adopted without objection.

Amendment No. 21

Representative Hawley offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding the following appropriately numbered sections and renumber the subsequent sections appropriately:

SECTION _____. Section 1.07, Tax Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) An official or agency required by this title to deliver a notice to a property owner may deliver the notice by regular first-class mail, with postage prepaid, unless this section or another provision in this title requires a different method of delivery.

(d) A notice required by Section 11.45(d), 23.44(d), 23.57(d), 23.79(d), or 23.85(d) must be sent by certified mail.

SECTION _____. Section 22.23(a), Tax Code, is amended to read as follows:

(a) Rendition statements and property reports must be delivered to the chief appraiser after January 1 and not later than ~~[before]~~ April 15, except as provided by Section 22.02 ~~[of this code]~~.

SECTION _____. Section 41.01, Tax Code, is amended to read as follows:

Sec. 41.01. Duties of Appraisal Review Board. (a) The appraisal review board shall:

(1) determine protests initiated by property owners;
(2) determine challenges initiated by taxing units;
(3) correct clerical errors in the appraisal records and the appraisal rolls;

(4) act on motions to correct appraisal rolls under Section 25.25;

(5) determine whether an exemption or a partial exemption is improperly granted and whether land is improperly granted appraisal as provided by Subchapter C, D, or E, Chapter 23; and

(6) take any other action or make any other determination that this title specifically authorizes or requires.

(b) The board may not review or reject an agreement between a property owner or the owner's agent and the chief appraiser under Section 1.111(e).

SECTION _____. Section 41.45, Tax Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) In addition to the grounds for a postponement under Subsection (e), the board shall postpone the hearing to a later date if:

(1) the owner of the property or the owner's agent is also scheduled to appear at a hearing on a protest filed with the appraisal review board of another appraisal district;

(2) the hearing before the other appraisal review board is scheduled to occur on the same date as the hearing set by the appraisal review board from which the postponement is sought;

(3) the notice of hearing delivered to the property owner or the owner's agent by the other appraisal review board bears an earlier postmark than the notice of hearing delivered by the board from which the postponement is sought or, if the date of the postmark is identical, the property owner or agent has not requested a postponement of the other hearing; and

(4) the property owner or the owner's agent includes with the request for a postponement a copy of the notice of hearing delivered to the property owner or the owner's agent by the other appraisal review board.

(h) Before the hearing on a protest or immediately after the hearing begins, the chief appraiser and the property owner or the owner's agent shall each provide the other with a copy of any written material that the person intends to offer or submit to the appraisal review board at the hearing.

SECTION _____. Section 42.06, Tax Code, is amended to read as follows:

Sec. 42.06. Notice of Appeal. (a) To exercise the party's right to appeal an order of an appraisal review board, a party other than a property owner must file written notice of appeal other than a property owner must file written notice of appeal within 15 days after the date the party receives the notice required by Section 41.47 or, in the case of a taxing unit, by Section 41.07 that the order appealed has been issued. To exercise the right to appeal an order of the comptroller, a party other than a property owner must file written notice of appeal within 15 days after the date the party receives the comptroller's order. A property owner is not required to file a notice of appeal under this section.

~~(b) [The owner of an item of property having an appraised value in excess of \$1 million who appeals an order of the appraisal review board or comptroller under this chapter must file a written notice of appeal not later than the 15th day after the date the the owner receives the notice required by Section 41.47 or the order of the comptroller, as applicable. A property owner who fails to comply with this subsection does not forfeit the right to appeal, but is liable for a penalty to each taxing unit in which the property is taxable in an amount equal to five percent of the taxes finally determined to be due on the property. For purposes of this subsection, the appraised value of the property is its appraised value for the current year according to the certified appraisal roll or the determination of the comptroller, as applicable, as modified by order of the appraisal review board or comptroller pursuant to a protest.]~~

[c] A party required to file a notice of appeal under this section other than a chief appraiser who appeals an order of an appraisal review board shall file the notice with the chief appraiser of the appraisal district for which the appraisal review board is established. A chief appraiser who appeals an order of an appraisal review board shall file the notice with the appraisal review board. A party who appeals an order of the comptroller shall file the notice with the comptroller.

~~(c) [(d)]~~ If the chief appraiser, a taxing unit, or a county appeals, the chief appraiser, if the appeal is of an order of the appraisal review board, or the comptroller, if the appeal is of an order of the comptroller, shall deliver a copy of the notice to the property owner whose property is involved in the appeal within 10 days after the date the notice is filed.

~~(d) [(e)]~~ On the filing of a notice of appeal, the chief appraiser shall indicate where appropriate those entries on the appraisal records that are subject to the appeal.

Amendment No. 21 was adopted without objection.

Amendment No. 22

Representative Talton offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding the following section to the bill, appropriately numbered, and renumbering subsequent sections of the bill accordingly:

SECTION _____. Section 42.43(b), Tax Code, is amended to read as follows:

(b) For a refund made under this section because an exemption under Section 11.20 that was denied by the chief appraiser or appraisal review board is granted, the taxing unit shall include with the refund interest on the amount

refunded calculated at an annual rate that is equal to the auction average rate quoted on a bank discount basis for three-month treasury bills issued by the United States government, as published by the Federal Reserve Board, for the week in which the taxes became delinquent, but not more than 10 percent, calculated from the delinquency date for the taxes until the date the refund is made. For any other refund made under this section, the taxing unit shall include with the refund interest on the amount refunded at an annual rate of ~~[that is equal to the auction average rate quoted on a bank discount basis for three-month treasury bills issued by the United States government, as published by the Federal Reserve Board, for the week in which the taxes became delinquent, but not more than]~~ eight percent, calculated from the delinquency date for the taxes until the date the refund is made.

Amendment No. 22 was adopted without objection.

Amendment No. 23

Representative Keffer offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding an appropriately numbered SECTION to read as follows and renumbering subsequent SECTIONS accordingly:

SECTION _____. Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes), is amended by adding Section 6A to read as follows:

Sec. 6A. REAPPRAISAL OF REAL PROPERTY. An appraisal district may not reappraise real property solely because the owner of the property is an applicant for or the holder of a license under this Act. This section does not prohibit an appraisal district from reappraising real property in connection with the appraisal of real property in the same general area or if requested to do so by the board or by the applicant or license holder.

Amendment No. 23 was adopted without objection

Amendment No. 19 - Vote Reconsidered.

Representative Hilbert moved to reconsider the vote by which Amendment No. 19 was adopted.

The motion to reconsider prevailed.

Amendment No. 19 was withdrawn.

Amendment No. 24

Representative Hilbert offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

On page 33, line 19, strike Subsection (e) and substitute the following:

(e) A penalty imposed under Subsection (d) does not apply if:

(1) the exemption was granted by the appraisal district or board and not at the request or application of the property owner or the property owner's agent, or

(2) at any time before the date the tax becomes delinquent, the property owner gives to the chief appraiser of the appraisal district in which the property is located written notice of circumstances that would disqualify the owner for the exemption.

Amendment No. 24 was adopted without objection.

Amendment No. 25

Representative Merritt offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

(1) On page 21, between lines 1 and 2, insert the following appropriately numbered section:

SECTION _____. (a) Section 22.01(a), Tax Code, is amended to read as follows:

(a) Except as provided by Chapter 24 of this code, a person shall render for taxation:

(1) all tangible personal property used for the production of income that the person [he] owns or that the person [he] manages and controls as a fiduciary on January 1; and

(2) all residential real property, and all real property used for the production of income other than property appraised under Subchapter C, D, E, F, or G, Chapter 23, that the person owns or that the person manages and controls as a fiduciary on January 1 if the person did not own the property or manage and control the property as a fiduciary on the preceding January 1.

(b) Subchapter B, Chapter 22, Tax Code, is amended by adding Section 22.28 to read as follows:

Sec. 22.28. PENALTY FOR FAILURE TO DELIVER RENDITION STATEMENT OR PROPERTY REPORT. (a) A person required by this chapter to deliver a rendition statement or property report to the chief appraiser is liable for a penalty if the person fails to deliver the statement or report in the time required by this chapter.

(b) The amount of a penalty under Subsection (a) is an amount equal to 40 percent of the taxes imposed for the tax year on the property required to be included on the statement or report.

(c) If a rendition statement or property report required by this chapter is delivered to the chief appraiser after May 15 but before June 1, the chief appraiser shall:

(1) enter in the appraisal records the appraised and taxable value of the property;

(2) make an entry in the appraisal records for the property indicating liability for the penalty imposed under Subsection (b); and

(3) send a written notice of imposition of the penalty to the person who delivered the report or statement that includes an explanation for its imposition.

(d) If on or after June 1 the chief appraiser discovers that a person required by this chapter to deliver a rendition statement or property report has failed to deliver the statement or report before June 1, the chief appraiser shall:

(1) appraise the property as of January 1 of the year in which the person was required to deliver the statement or report;

(2) enter in the appraisal records the appraised and taxable value of the property;

(3) make an entry in the appraisal records for the property indicating liability for the penalty imposed under Subsection (b); and

(4) send a written notice of imposition of the penalty to the person

required to deliver the report or statement that includes an explanation for its imposition.

(e) The amount of a penalty under this section:

(1) is the personal obligation of the person required to deliver the rendition statement or property report; and

(2) constitutes a lien on the property to which the rendition statement or property report applies and accrues penalty and interest in the same manner as a delinquent tax on that property.

(f) This section does not apply to a rendition statement or property report required or permitted by Section 22.02 or 22.03.

(c) The change in law made by Section 22.28, Tax Code, as added by this section, applies only to the rendition of property for ad valorem tax purposes on or after January 1, 1998.

(2) Renumber the sections of the bill appropriately.

Amendment No. 26

Representative Merritt offered the following amendment to Amendment No. 25:

Amend the Merritt amendment to **CSSB 841** on page 2, line 2, by striking "40" and substituting "10".

Amendment No. 26 was adopted without objection.

Representative Hilbert moved to table Amendment No. 25.

The motion to table prevailed.

Amendment No. 27

Representative Hilderbran offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding the following appropriately numbered section and renumbering the subsequent sections appropriately:

SECTION _____. Section 23.55(j), Tax Code, as added by Chapter 471, Acts of the 74th Legislature, Regular Session, 1995, applies to a change of use of land:

(1) on or after June 12, 1995; or

(2) before June 12, 1995, if:

(A) the change of use occurred on or after June 12, 1990; and

(B) on June 12, 1995, the owner of the land had not been determined to be liable for the sanctions provided by Section 23.55(a), Tax Code, by a final and nonappealable order or judgment.

Amendment No. 27 was adopted without objection.

Amendment No. 28

Representative Greenberg offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by striking SECTION 12 of the bill and substituting the following:

SECTION 12. Section 11.26, Tax Code, is amended by amending Subsection (a) and adding Subsections (g), (h), (i), (j), and (k) to read as follows:

(a) Except as provided by Subsection (b) ~~[of this section]~~, a school district may not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years or older above the amount of the tax it imposed in the first year the individual qualified that residence homestead for the exemption provided by ~~[Subsection (c) of]~~ Section 11.13(c) for an individual 65 years of age or older [11.13 of this code]. If the individual qualified that residence homestead for the exemption after the beginning of that first year, the maximum amount of taxes that a school district may impose on that residence homestead in a subsequent year is determined as provided by Section 26.112 as if the individual qualified that residence homestead for the exemption for that entire first year, except as provided by Subsection (b). If the individual qualified that residence homestead for the exemption after the beginning of that first year and the residence homestead remains eligible for the exemption for the next year, and if the school district taxes imposed on the residence homestead in the next year are less than the amount of taxes imposed in that first year, a school district may not subsequently increase the total annual amount of ad valorem taxes it imposes on the residence homestead above the amount it imposed in the year immediately following the first year for which the individual qualified that residence homestead for the exemption, except as provided by Subsection (b). The tax officials shall continue to appraise the property and to calculate taxes as on other property, but if the tax so calculated exceeds the limitation imposed by this section, the tax imposed is the tax imposed in the first year the individual qualified the residence homestead for the exemption.

(g) If an individual who qualifies for the exemption provided by Section 11.13(c) for an individual 65 years of age or older dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if:

(1) the surviving spouse is 55 years of age or older when the individual dies; and

(2) the residence homestead of the individual:

(A) is the residence homestead of the surviving spouse on the date that the individual dies; and

(B) remains the residence homestead of the surviving spouse.

(h) If an individual who qualifies for an exemption provided by Section 11.13(c) for an individual 65 years of age or older dies in the first year in which the individual qualified for the exemption and the individual first qualified for the exemption after the beginning of that year, except as provided by Subsection (i), the amount to which the surviving spouse's school district taxes are limited under Subsection (g) is the amount of school district taxes imposed on the residence homestead in that year calculated under Section 26.112 as if the individual qualifying for the exemption had lived for the entire year.

(i) If in the first tax year after the year in which an individual dies in the circumstances described by Subsection (h) the amount of school district taxes imposed on the residence homestead of the surviving spouse is less than the amount of school district taxes imposed in the preceding year as limited by Subsection (h), in a subsequent tax year the surviving spouse's school district

taxes on that residence homestead are limited to the amount of taxes imposed by the district in that first tax year after the year in which the individual dies.

(j) Except as provided by Subsection (b), if an individual who receives a limitation on tax increases imposed by this section subsequently qualifies a different residence homestead for an exemption under Section 11.13, a school district may not impose ad valorem taxes on the subsequently qualified homestead in a year in an amount that exceeds the amount of taxes the school district would have imposed on the subsequently qualified homestead in the first year in which the individual receives that exemption for the subsequently qualified homestead had the limitation on tax increases imposed by this section not been in effect, multiplied by a fraction the numerator of which is the total amount of school district taxes imposed on the former homestead in the last year in which the individual received that exemption for the former homestead and the denominator of which is the total amount of school district taxes that would have been imposed on the former homestead in the last year in which the individual received that exemption for the former homestead had the limitation on tax increases imposed by this section not been in effect.

(k) An individual who receives a limitation on tax increases under this section and who subsequently qualifies a different residence homestead for an exemption under Section 11.13, or an agent of the individual, is entitled to receive from the chief appraiser of the appraisal district in which the former homestead was located a written certificate providing the information necessary to determine whether the individual may qualify for a limitation on the subsequently qualified homestead under Subsection (j) and to calculate the amount of taxes the school district may impose on the subsequently qualified homestead.

Amendment No. 28 was adopted without objection.

Amendment No. 29

Representative Oakley offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

(1) On page 13, between lines 22 and 23, insert a new Subsection (l) to read as follows:

(l) For purposes of the limitation on tax increases provided by Subsection (j), the governing body of a school district in a county with a population of fewer than 75,000 in a manner provided by law for official action by the governing body may elect to apply the limitation provided by Subsection (j) to the residence homestead of an individual as if that subsection were in effect on January 1, 1993. The governing body must make the election before January 1, 1999. The election applies only to taxes imposed in a tax year that begins after the tax year in which the election is made.

Amendment No. 29 was adopted without objection.

Amendment No. 30

Representative Marchant offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. Section 31.01(c), Tax Code, is amended to read as follows:

- (c) The tax bill or a separate statement accompanying the tax bill shall:
 - (1) identify the property subject to the tax;
 - (2) state the appraised value, assessed value, and taxable value of the property;
 - (3) if the property is land appraised as provided by Subchapter C, D, or E, Chapter 23 of this code, state the market value and the taxable value for purposes of deferred or additional taxation as provided by Section 23.46, 23.55, or 23.76, as applicable, of this code;
 - (4) state the assessment ratio for the unit;
 - (5) state the type and amount of any partial exemption applicable to the property, indicating whether it applies to appraised or assessed value;
 - (6) state the total tax rate for the unit;
 - (7) state the amount of tax due, the due date, and the delinquency date;
 - (8) explain the payment option and discounts provided by Sections 31.03 and 31.05 of this code, if available to the unit's taxpayers, and state the date on which each of the discount periods provided by Section 31.05 concludes, if the discounts are available;
 - (9) state the rates of penalty and interest imposed for delinquent payment of the tax; ~~and~~
 - (10) include the name and telephone number of the assessor for the unit and, if different, of the collector for the unit; and
 - (11) include any other information required by the comptroller.

Amendment No. 30 was adopted without objection.

Amendment No. 31

Representative Holzheuser offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

1. By adding the correctly numbered following sections:

SECTION _____. Section 26.05(d), Tax Code, is amended to read as follows:

(d) The governing body may not adopt a tax rate that if applied to the total taxable value would impose an amount of taxes that exceeds last year's levy ~~[exceeds the lower of the rollback tax rate or 103 percent of the effective tax rate calculated as provided by Section 26.04 of this code]~~ until it has held a public hearing ~~[on the proposed increase]~~ and has otherwise complied with Section 26.06 ~~[of this code]. [The governing body of a taxing unit shall reduce a tax rate set by law or by vote of the electorate to the lower of the rollback tax rate or 103 percent of the effective tax rate and may not adopt a higher rate unless it first complies with Section 26.06 of this code.]~~

SECTION _____. Section 26.06(b), as amended by Chapters 456 and 947, Acts of the 70th Legislature, Regular Session, 1987, is amended to read as follows:

(b) The notice of a public hearing may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type. The notice must:

- (1) contain a statement in the following form:

"NOTICE OF PUBLIC HEARING ON TAX ~~[RATE]~~ INCREASE

"The (name of the taxing unit) will hold a public hearing on a proposal to increase total tax revenues from properties on the tax roll ~~[in (the preceding year)]~~ by (percentage by which taxes to be imposed under proposed tax rate exceed last year's levy ~~[of increase over the lower of the effective or rollback tax rates]~~) percent. Your individual taxes may increase ~~[at a greater or lesser rate,]~~ or ~~[even]~~ decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property and the tax rate that is adopted.

"The public hearing will be held on (date and time) at (meeting place).

"(Names of all members of the governing body, showing how each voted on the proposal to consider the ~~[tax]~~ increase in total tax revenues or, if one or more were absent, ~~[or]~~ indicating the absences.)"; and

(2) contain the following information:

(A) the unit's adopted tax rate for the preceding year and the proposed tax rate, expressed as an amount per \$100;

(B) the difference, expressed as an amount per \$100 and as a percent increase or decrease, as applicable, in the proposed tax rate compared to the adopted tax rate for the preceding year;

(C) the average appraised value of a residence homestead in the taxing unit in the preceding year and in the current year; the unit's homestead exemption, other than an exemption available only to disabled persons or persons 65 years of age or older, applicable to that appraised value in each of those years; and the average taxable value of a residence homestead in the unit in each of those years, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older;

(D) the amount of tax that would have been imposed by the unit in the preceding year on a residence homestead appraised at the average appraised value of a residence homestead in that year, disregarding any homestead exemption available only to disabled persons or person 65 years of age or older;

(E) the amount of tax that would be imposed by the unit in the current year on a residence homestead appraised at the average appraised value of a residence homestead in the current year, disregarding any homestead exemption available only to disabled persons or persons 65 years of age or older, if the proposed tax rate is adopted; and

(F) the difference between the amounts of tax calculated under Paragraphs (D) and (E) of this subdivision, expressed in dollars and cents and described as the annual increase or decrease, as applicable, in the tax to be imposed by the unit on the average residence homestead in the unit in the current year if the proposed tax rate is adopted.

SECTION _____. Sections 26.06(d),(e), and (g), Tax Code, are amended to read as follows:

(d) At the public hearing the governing body shall announce the date, time, and place of the meeting at which it will vote on the proposed increase in total tax revenues ~~[rate increase]~~. After the hearing it shall give notice of the meeting at which it will vote on the proposed increase in total tax revenues ~~[(rate)]~~ and the notice shall be in the same form as prescribed by Subsections (b) and (c) ~~[of this section]~~, except that it must state the following:

"NOTICE OF VOTE ON TAX RATE

"The (name of the taxing unit) conducted a public hearing on a proposal to increase the total tax revenues of the (name of the taxing unit) [your property taxes] by (percentage by which taxes to be imposed under proposed tax rate exceed last year's levy [of increase over the lower of the effective tax rate or rollback tax rate]) percent on (date and time public hearing was conducted).

"The (governing body of the taxing unit) is scheduled to vote on the tax rate that will result in that tax increase at a public meeting to be held on (date and time) at (meeting place)."

(e) The meeting to vote on the increase may not be earlier than the third day or later than the 14th day after the date of the public hearing. The meeting must be held inside the boundaries of the unit in a publicly owned building or, if a suitable publicly owned building is not available, in a suitable building to which the public normally has access. If the governing body does not adopt a [and increased] rate that would impose an amount of taxes that exceeds last year's levy by the 14th day, it must give a new notice under Subsection (d) [of this section] before it may adopt a rate that would impose an amount of taxes that exceeds last year's levy [exceeds the tax rate calculated as provided by Section 26.04 of this code].

(f) [(g)] The comptroller by rule shall prescribe the language and format to be used in the part of the notice required by Subsection (b)(2) [of this section]. A notice under Subsection (b) is not valid if it does not substantially conform to the language and format prescribed by the comptroller under this subsection.

2. By renumbering subsequent sections accordingly.

Amendment No. 31 was adopted.

MESSAGE FROM THE SENATE

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

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. 33).

CSSB 841 - (consideration continued)

Amendment No. 32

Representative Garcia offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding the following new Section ____ and appropriately renumbering subsequent sections thereof:

SECTION . The elected county tax collector will replace the board of directors of the Central Appraisal District and assume all duties and responsibilities thereof.

Representative Hilbert moved to table Amendment No. 32.

The motion to table was lost.

A record vote was requested.

Amendment No. 32 failed of adoption by (Record 533): 42 Yeas, 90 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Bailey; Berlanga; Brimer; Chavez; Clark; Cuellar; Culberson; Denny; Farrar; Finnell; Flores; Garcia; Hightower; Hinojosa; Hodge; Jackson; Kubiak; Lewis, G.; Lewis, R.; Longoria; McClendon; Merritt; Moreno; Mowery; Olivo; Palmer; Pickett; Price; Rabuck; Ramsay; Raymond; Reyna, A.; Roman; Seaman; Solis; Stiles; Torres; Williamson; Yarbrough; Zbranek.

Nays — Alexander; Averitt; Bosse; Burnam; Carter; Chisum; Coleman; Cook; Counts; Crabb; Craddick; Davila; Davis; Delisi; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Gallego; Galloway; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kuempel; Luna; Madden; Marchant; Maxey; McCall; McReynolds; Moffat; Naishtat; Nixon; Oakley; Oliveira; Pitts; Puente; Rangel; Reyna, E.; Rhodes; Sadler; Serna; Shields; Siebert; Smith; Smithee; Staples; Swinford; Talton; Telford; Thompson; Tillery; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Woolley.

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

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Solomons; Turner, S.

Absent — Bonnen; Corte; Danburg; Edwards; Glaze; Patterson; Place; Wilson; Wolens.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 533. I intended to vote no.

Chavez

When Record No. 533 was taken, I was in the house but away from my desk. I would have voted yes.

Place

Amendment No. 33

Representative Garcia offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

(1) In SECTION 22 of the bill (Committee Printing, page 29, lines 10-12), strike the introductory language to the section and substitute the following:

SECTION 22. Section 25.19, Tax Code, is amended by amending Subsections (b) and (i) and adding Subsections (j) and (k) to read as follows:

(2) At the end of SECTION 22 of the bill (Committee Printing, at the end of page 30), add the following:

(k) The chief appraiser shall include with a notice required by Subsection (a) or (i):

(1) a copy of a notice of protest form as prescribed by the comptroller under Section 41.44(d);

(2) an envelope addressed to the appraisal review board; and
(3) instructions for completing and mailing the form and requesting a hearing on the protest.

Amendment No. 33 was adopted without objection.

Amendment No. 34

Representative Smith offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding the following new section to the bill, appropriately numbered, and renumbering subsequent sections of the bill accordingly:

SECTION _____. (a) SECTION 26.05 (d), Tax Code, is amended to read as follows:

(d) The governing body may not adopt a tax rate that if applied to the total taxable value would impose an amount of taxes that exceeds last year's levy ~~[exceeds the lower of the rollback tax rate or 103 percent of the effective tax rate calculated as provided by Section 26.04 of this code]~~ until it has held a public hearing ~~[on the proposed increase]~~ and has otherwise complied with Sections [Section] 26.06 and 26.065 ~~[of this code]~~. ~~[The governing body of a taxing unit shall reduce a tax rate set by law or by vote of the electorate to the lower of the rollback tax rate or 103 percent of the effective tax rate and may not adopt a higher rate unless it first complies with Section 26.06 of this code.]~~

(b) Chapter 26, Tax Code, is amended by adding Section 26.065 to read as follows:

Sec. 26.065. NOTICE OF HEARING ON MUNICIPAL TAX INCREASE.
(a) The governing body of a municipality required to hold a public hearing by Section 26.05(d) shall, if the municipality mails a bill to customers of a utility, including a water, wastewater, or electric utility, include a copy of the notice with the utility bill sent to the utility customers who reside in the municipality. The notice must appear on one 8-1/2 x 11-inch piece of paper, and the wording of the notice must cover substantially the entire page. The bill may contain only one other 8-1/2 x 11-inch piece of paper in addition to the bill and the notice required by this subsection.

(b) If the municipality is not required to mail a notice under Subsection (a), or if the municipality mails the customers' bills on a postcard or similar type document that could not be accompanied by an 8-1/2 x 11-inch sheet of paper, the municipality shall mail a copy of the notice to the household of each person who voted in the most recent contested general election for municipal officers conducted in the municipality, according to the voting records of the municipality. The notice must appear on one 8-1/2 x 11-inch piece of paper, and the wording of the notice must cover substantially the entire page.

(c) The notice required by this section must contain a statement in the following form:

"NOTICE OF PUBLIC HEARING ON MUNICIPAL TAX INCREASE

"This notice is required by law. It is to inform you that the governing body of (name of municipality) will hold a public hearing on a proposal to increase total tax revenues from properties on the tax roll in (the preceding year) by (percentage by which the proposed tax rate exceeds the lower of the

municipality's effective or rollback tax rate) percent. The taxes you pay to (name of municipality) may increase at a greater or lesser rate, or even decrease, depending on the change in the taxable value of your property in relation to the change in taxable value of all other property subject to taxation by (name of municipality).

"The governing body of (name of municipality) will hold the public hearing on (date and time) at (meeting place)."

(d) If the municipality has access to a public, educational, or governmental television channel, the municipality shall also broadcast the notice described by Subsection (c) on that channel. The notice must be broadcast at least five times a day for at least 60 seconds each time on each of seven days preceding the date of the public hearing on the proposed tax increase.

(e) Notwithstanding Section 26.06(a), the governing body of the municipality may not hold the public hearing required by Section 26.05 before the seventh day after the earliest date on which all or substantially all the notices required by Subsection (a) or (b) have been mailed.

Amendment No. 34 was adopted without objection.

Amendment No. 35

Representative Brimer offered the following amendment to **CSSB 841**:

Amend **CSSB 841** as follows:

(1) Strike the recital to SECTION 2 of the bill (Committee Printing, page 1, lines 13 and 14) and substitute the following:

SECTION 2. Section 6.03, Tax Code, is amended by amending Subsections (a), (b), (c), (d), and (1) to read as follows:

(2) In SECTION 2 of the bill, between amended Subsections 6.03(c) and (1), Tax Code (Committee Printing, page 2, between lines 25 and 26), insert the following:

(d) The voting entitlement of a taxing unit that is entitled to vote for directors is determined by dividing the total dollar amount of property taxes imposed in the district by the taxing unit for the preceding tax year by the sum of the total dollar amount of property taxes imposed in the district for that year by each taxing unit that is entitled to vote, by multiplying the quotient by 1,000, and by rounding the product to the nearest whole number. That number is multiplied by the number of directorships to be filled. A taxing unit participating in two or more districts is entitled to vote in each district in which it participates, but only the taxes imposed in a district are used to calculate voting entitlement in that district. For a county in which the commissioners court determines or approves the property tax rate of a hospital district that participates in the same appraisal district as the county, the total dollar amount of property taxes imposed in the appraisal district by the county includes the dollar amount of property taxes imposed in the appraisal district by the hospital district.

Amendment No. 35 was adopted without objection.

Amendment No. 36

Representative Merritt offered the following amendment to **CSSB 841**:

Amend **CSSB 841** by adding a new section appropriately numbered to read as follows and renumbering the other sections accordingly:

SECTION _____. Subchapter B, Chapter 23, Tax Code, is amended by adding Section 23.129 to read as follows:

Sec. 23.221. LIMITATION ON APPRAISAL OF NEWLY DEVELOPED RESIDENTIAL PROPERTY. (a) This section applies only in a county with a population of less than 150,000, and applies only to land constituting a platted subdivision primarily for residential purposes, including the individual lots or parcels of land platted or designated for individual sale or already sold to another person by the developer of the subdivision.

(b) On application of the developer at any time after the plat is filed, the governing body of a taxing unit by official action may prohibit the reappraisal of the land for purposes of taxation by the taxing unit from any year designated by the governing body of the taxing unit after the plat is filed until a later year agreed to by the governing body and the developer. During that period, the market value of the land, including the individual lots or parcels, is determined using the market value per acre of the entire subdivision in the last year in which the land was appraised before the prohibition on reappraisals took affect.

Representative Hilbert moved to table Amendment No. 36.

The motion to table prevailed.

CSSB 841, as amended, was passed to third reading. (Horn recorded voting no)

MAJOR STATE CALENDAR SENATE BILLS THIRD READING

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

SB 162 ON THIRD READING (Raymond - House Sponsor)

SB 162, A bill to be entitled An Act relating to prevention and treatment of diabetes.

SB 162 was passed.

SB 1419 ON THIRD READING (Rangel - House Sponsor)

SB 1419, A bill to be entitled An Act relating to restrictions on the admission of certain persons promised or granted an athletic scholarship or similar financial assistance at a general academic teaching institution.

SB 1419 was passed. (Craddick, Goolsby, Horn, Hunter, Keel, Shields, Talton, Uher, Walker, and Williams recorded voting no)

COMMITTEE MEETING ANNOUNCEMENT

Having been granted permission to meet while the house is in session for the remainder of the session, the conference committee on **HB 4** and **HJR 4** announced the following meeting:

Conference Committee on **HB 4** and **HJR 4**, 4:30 p.m. today, appropriations committee room, Capitol Extension.

SB 1856 ON THIRD READING
(Chisum - House Sponsor)

SB 1856, A bill to be entitled An Act relating to the inspection and maintenance of certain motor vehicles for air pollution control; providing criminal penalties.

Amendment No. 1

Representatives Chisum and Junell offered the following amendment to **SB 1856**:

Amend **SB 1856** on Third Reading by striking the sections of the bill, as added by Floor Amendment No. 2 and amended by Floor Amendment No. 3, on 2nd reading amending Section 382.0622, Health and Safety Code, and Section 548.501, Transportation Code.

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 1856, as amended, was passed by (Record 534): 123 Yeas, 6 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chisum; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Danburg; Davila; Davis; Delisi; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Goodman; Goolsby; Gray; Greenberg; Grusendorf; 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; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McClendon; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Olivo; Palmer; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Sadler; Seaman; Serna; Shields; Siebert; Smith; Smithee; Solis; Staples; Stiles; Swinford; Talton; Telford; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wise; Wohlgemuth; Yarbrough; Zbranek.

Nays — Horn; Kubiak; Madden; Reyna, E.; Roman; Woolley.

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

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Solomons; Turner, S.

Absent — Culberson; Elkins; Glaze; Krusee; McReynolds; Merritt; Oliveira; Patterson; Thompson; Wilson; Wolens.

STATEMENTS OF VOTE

I was shown voting no on Record No. 534. I intended to vote yes.

E. Reyna

I was shown voting no on Record No. 534. I intended to vote yes.

Woolley

SB 701 ON THIRD READING
(Telford - House Sponsor)

SB 701, A bill to be entitled An Act relating to certain responsibilities of the comptroller relating to investment and management of funds.

SB 701 was passed.

SB 220 ON THIRD READING
(Junell - House Sponsor)

SB 220, A bill to be entitled An Act relating to lawsuits arising outside or brought by persons who reside outside of Texas.

A record vote was requested.

SB 220 was passed by (Record 535): 128 Yeas, 5 Nays, 3 Present, not voting.

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

Nays — Ehrhardt; Longoria; Moreno; Olivo; Rangel.

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

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Solomons; Turner, S.

Absent — Dutton; Edwards; Garcia; Hochberg; McReynolds; Thompson; Wilson.

STATEMENT OF VOTE

When Record No. 535 was taken, I was in the house but away from my desk. I would have voted yes.

McReynolds

MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING

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

CSSB 55 ON SECOND READING**(Berlanga, J. Jones, Delisi, Dunnam, and Averitt - House Sponsors)**

CSSB 55, A bill to be entitled An Act relating to the regulation of the sale, distribution, and use of tobacco products; providing penalties.

Amendment No. 1

Representative Berlanga offered the following amendment to **CSSB 55**:

Amend **CSSB 55** in SECTION 1.01 of the bill, amended Section 161.087(b), Health and Safety Code (Committee Printing, page 7, line 16), by striking "~~that a recipient~~" and substituting "that such a recipient".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Berlanga offered the following amendment to **CSSB 55**:

Amend **CSSB 55** in SECTION 1 of the bill, in Subchapter H, Chapter 161, Health and Safety Code (page 10, between lines 9 and 10, House Committee Printing), by inserting the following:

Sec. 161.0901. REPORT OF OFFICE OF SMOKING AND HEALTH. (a) Not later than January 5th of each odd-numbered year the Office of Smoking and Health of the department shall report to the governor, lieutenant governor, and the speaker of the house of representatives on the status of smoking and the use of tobacco and tobacco products in this state.

(b) The report must include, at a minimum:

(1) a baseline of statistics and analysis regarding retail compliance with this subchapter, Subchapter K, and Chapters 154 and 155, Tax Code;

(2) a baseline of statistics and analysis regarding illegal tobacco sales, including:

(A) sales to minors;

(B) enforcement actions concerning minors; and

(C) sources of citations;

(3) tobacco controls and initiatives by the Office of Smoking and Health of the department, or any other state agency, including an evaluation of the effectiveness of the controls and initiatives;

(4) the future goals and plans of the Office of Smoking and Health of the department to decrease the use of tobacco and tobacco products;

(5) the educational programs of the Office of Smoking and Health of the department and the effectiveness of those programs; and

(6) the incidence of use of tobacco and tobacco products by regions in this state, including use of cigarettes and tobacco products by ethnicity.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Berlanga offered the following amendment to **CSSB 55**:

Amend **CSSB 55** as follows:

(1) In Section 161.301(a), Health and Safety Code, as added by SECTION 3.01 of the bill (page 18, line 3, House committee printing), strike "The comptroller" and substitute "The commissioner of public health".

(2) In Section 161.301(b), Health and Safety Code, as added by SECTION 3.01 of the bill (page 18, line 7, House committee printing) strike "The comptroller" and substitute "The commissioner of public health".

(3) In Section 161.301(b), Health and Safety Code, as added by SECTION 3.01 of the bill (page 18, line 9, House committee printing) strike "the comptroller" and substitute "the commissioner of public health".

(4) In section 154.121(d), Tax Code, as added by SECTION 4.02 of the bill (page 19, lines 24-25, House committee printing), strike "to the comptroller to administer the comptroller's responsibilities" and substitute "to the Texas Department of Health to administer the commissioner of public health's responsibilities".

(5) In Section 155.058(d), Tax Code, as added by SECTION 4.07 of the bill (page 24, lines 8-9, House committee printing), strike "to the comptroller to administer the comptroller's responsibilities" and substitute "to the Texas Department of Health to administer the commissioner of public health's responsibilities".

Amendment No. 3 was withdrawn.

Amendment No. 4

Representative Allen offered the following amendment to **CSSB 55**:

Amend **CSSB 55** as follows:

(1) In Section 161.301(a), Health and Safety Code, as added by SECTION 3.01 of the bill (page 18, line 3, House committee printing), strike "The comptroller" and substitute "The commissioner of public health".

(2) In Section 161.301, Health and Safety Code, as added by SECTION 3.01 of the bill (page 18, lines 7-13, House Committee Printing) strike Subsection (b) and substitute the following:

(b) The commissioner of public health may contract with another person to develop and implement the public awareness campaign. The contract shall be awarded on the basis of competitive bids.

(c) A contract awarded under Subsection (b) may be awarded only to a business that has a proven background in advertising and public relations campaigns.

(d) The commissioner of public health may not award a contract under Subsection (b) to:

(1) a person or entity that is required to register with the Texas Ethics Commission under Chapter 305, Government Code;

(2) any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivision (1); or

(3) a person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, or other government policies through grassroots or media campaigns.

(e) The persons or entities described by Subsection (d) are not eligible to receive the money or participate either directly or indirectly in the public awareness campaign.

(3) In Section 154.121(d), Tax Code, as added by SECTION 4.02 of the bill (page 19, lines 24-25, House committee printing), strike "to the comptroller

to administer the comptroller's responsibilities" and substitute "to the Texas Department of Health to administer the commissioner of public health's responsibilities".

(4) In Section 155.058(d), Tax Code, as added by SECTION 4.07 of the bill (page 24, lines 8-9, House committee printing), strike "to the comptroller to administer the comptroller's responsibilities" and substitute "to the Texas Department of Health to administer the commissioner of public health's responsibilities".

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Place offered the following amendment to **CSSB 55**:

Amend **CSSB 55** in Article 3 of the bill, in SECTION 3.01, as follows:

(1) In proposed 161.252(d), Health and Safety Code (House Committee Printing, Page 15, line 22), strike "a Class C misdemeanor" and substitute "punishable by a fine not to exceed \$250".

(2) In proposed Section 161.253, Health and Safety Code (House Committee Printing, page 16, lines 18-21), strike Subsection (f) and substitute the following:

(f) On receipt of the evidence required under Subsection (e), the court shall:

(1) if the defendant has been previously convicted of an offense under Section 161.252, execute the sentence, and at the discretion of the court, reduce the fine imposed to not less than half the fine previously imposed by the court; or

(2) if the defendant has not been previously convicted of an offense under Section 161.252, discharge the defendant and dismiss the complaint or information against the defendant.

(g) If the court discharges the defendant under Subsection (f)(2), the defendant is released from all penalties and disabilities resulting from the offense except that the defendant is considered to have been convicted of the offense if the defendant is subsequently convicted of an offense under Section 161.252 committed after the dismissal under Subsection (f)(2).

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Eiland offered the following amendment to **CSSB 55**:

Amend **CSSB 55** in Section 161.086, Health and Safety Code, as added by SECTION 1.01 of the bill, by striking Subsection (b) (page 6, lines 17-19, House Committee Printing), and substituting the following:

(b) Subsection (a) does not apply to:

(1) a facility or business that is not open to persons younger than 18 years of age at any time; or

(2) that part of a facility or business that is a humidor or other enclosure designed to store cigars in a climate-controlled environment.

Amendment No. 6 was adopted without objection.

LEAVE OF ABSENCE GRANTED

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

Nixon on motion of Mowery.

CSSB 55 - (consideration continued)

Amendment No. 7

Representatives Shields and Chisum offered the following amendment to **CSSB 55**:

Amend **CSSB 55** as follows:

(1) In SECTION 2.01 of the bill, strike added Sections 161.123-161.125, Health and Safety Code (page 12, line 3, through page 14, line 16, house committee printing).

(2) In SECTION 3.01 of the bill, in the introductory language to the section (page 14, line 19, house committee printing), strike "Subchapters N and O" and substitute "Subchapter N".

(3) In SECTION 3.01 of the bill, strike added Subchapter O, Health and Safety Code (page 18, lines 1-13, house committee printing).

(4) In SECTION 4.02 of the bill, strike added Section 154.121(d), Tax Code (page 19, lines 22-26, house committee printing).

(5) In SECTION 4.07 of the bill, strike added Section 155.058(d), Tax Code (page 24, lines 6-10, house committee printing).

(6) Strike SECTION 5.03 of the bill (page 28, line 20, through page 29, line 2, house committee printing), and substitute the following:

SECTION 5.03. Notwithstanding any other law, the implementation and execution of the programs established by the change in law made by this Act are contingent on the availability of funds for those programs, as determined by the comptroller, from the permit fee imposed on retailers under Chapters 154 and 155, Tax Code, as amended by this Act.

Representative Berlanga moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 536): 87 Yeas, 43 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Berlanga; Bonnen; Bosse; Burnam; Carter; Chavez; Clark; Cook; Counts; Crabb; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Finnell; Flores; Gallego; Garcia; Glaze; Goodman; Gray; Greenberg; Hawley; Hightower; Hilbert; Hinojosa; Hirschi; Hochberg; Hodge; Howard; Isett; Jones, J.; Junell; Kamel; Keel; Keffer; King; Kubiak; Lewis, G.; Longoria; Maxey; McCall; McReynolds; Moffat; Moreno; Naishtat; Oliveira; Olivo; Palmer; Pickett; Place; Price; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Smith; Smithee; Solis; Staples; Telford; Thompson; Tillery; Torres; Turner, B.; Van de Putte; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Chisum; Corte; Craddick; Denny; Dutton; Farrar; Goolsby; Grusendorf; Hamric; Hartnett; Heflin; Hernandez; Hilderbran; Hill; Holzheuser; Horn; Hunter; Hupp; Jackson; Janek; Jones, D.; Krusee; Kuempel; Luna; Madden; Marchant; McClendon; Merritt; Mowery; Oakley; Pitts; Puente; Reyna, E.; Shields; Siebert; Swinford; Talton; Uher; Walker; West; Woolley.

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

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Nixon; Solomons; Turner, S.

Absent — Brimer; Coleman; Elkins; Galloway; Lewis, R.; Patterson; Rabuck; Stiles; Williams; Williamson.

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).

CSSB 55 - (consideration continued)

Amendment No. 8

Representative Swinford offered the following amendment to **CSSB 55**:

Amend **CSSB 55** by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 161, Health and Safety Code is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. SALE, USE, OR DISTRIBUTION OF CIGARETTES OR TOBACCO PRODUCTS

Sec. 161.901. SALE OF CIGARETTES OR TOBACCO PRODUCTS PROHIBITED. Notwithstanding any other law, a person may not sell, use, or distribute cigarettes or tobacco products in this state.

SECTION 2. The following laws are repealed:

- (1) Subchapter H, Chapter 161, Health and Safety Code;
- (2) Subchapter K, Chapter 161, Health and Safety Code;
- (3) Chapter 154, Tax Code; and
- (4) Chapter 155, Tax Code.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Representative Berlanga raised a point of order against further consideration of Amendment No. 8 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of the amendment.

A record vote was requested.

CSSB 55, as amended, was passed to third reading by (Record 537): 124 Yeas, 5 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Burnam; Carter; Chavez; Chisum; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Culberson; Davila; Davis; Delisi; Denny; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Hamric; Hartnett; Hawley; 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.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Oakley; Olivo; Palmer; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Siebert; Smith; Smithee; Solis; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Woolley; Yarbrough; Zbranek.

Nays — Heflin; Horn; Reyna, E.; Shields; Uher.

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

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Nixon; Solomons; Turner, S.

Absent — Brimer; Corte; Danburg; Galloway; Lewis, R.; Marchant; Oliveira; Patterson; Williamson; Wilson; Wolens.

STATEMENTS OF VOTE

When Record No. 537 was taken, I was temporarily out of the house chamber. I would have voted yes.

Galloway

When Record No. 537 was taken, I was temporarily out of the house chamber. I would have voted yes.

Patterson

SB 55 - REPORT OF TOBACCO STUDY
#YOUTH TOBACCO USERS IN TEXAS, 1996
GRADES 7-12

GRADE	# STUDENTS WHO HAVE EVER USED	# STUDENTS WHO CURRENTLY USE
7th	120,674 (41.3% of 7th graders)	49,672 (17.0% of 7th graders)
8th	147,850 (51.9% of 8th graders)	64,382 (22.6% of 8th graders)
9th	193,767 (57.7% of 9th graders)	92,350 (27.5% of 9th graders)
10th	153,334 (60.1% of 10th graders)	75,519 (29.6% of 10th graders)
11th	131,220 (61.4% of 11th graders)	65,824 (30.8% of 11th graders)

12th	117,883	(63.3% of 12th graders	62,572	(33.6% of 12th graders
TOTAL	864,728	(55.2% of all secondary students	410,319	(26.2% of all secondary students

- * Average age for first use of tobacco among seniors was 13.6 years, earlier than first use of any other prohibited substance.
- * Only 39% of secondary students surveyed said they believed tobacco to be very dangerous, and 75% said it was very or somewhat easy to get their hands on tobacco.

Texas Commission on Alcohol and Drug Abuse, 1996 Texas School Survey

TEXAS YOUTH TRENDS IN TOBACCO USE 1992-1996, CURRENT USERS

Grade	1992	1996	% Increase
7th	14.8%	17.0%	+14.9%
8th	17.1%	22.6%	+32.1%
9th	23.1%	27.5%	+19.0%
10th	21.9%	29.6%	+35.1%
11th	24.1%	30.8%	+27.8%
12th	26.9%	33.6%	+24.9%

Texas Commission on Alcohol and Drug Abuse, 1996 Texas School Survey

PUBLIC SUPPORT:

The Robert Wood Johnson Foundation (RWJF) "Youth Access to Tobacco - 1994" survey indicated that

- 74% of adults surveyed supported banning all vending machines;
- 91% supported banning vending machines accessible to children;
- 88% supported banning distribution of free cigarettes on public streets;
- 81% supported banning coupon promotions to obtain free cigarettes by mail; and
- 51% supported banning tobacco advertising in newspaper and magazines.

TEXAS PUBLIC OPINION ON CHILDREN AND SMOKING

- * 96.7% felt that preventing children from smoking was a very important health issue.
- * 81.8% felt that it was easy for teenagers to buy cigarettes.
- * 87.6% felt there should be stronger laws to prevent sales to minors.
- * 91.5% felt we needed better enforcement of laws.
- * 67.6% felt that we should ban the sale of cigarettes through vending machines.
- * 76.5% felt that free samples of tobacco should be prohibited.

Data from Activity Volunteer Executed Survey (SAVES). Conducted by the American Cancer Society.

YOUTH ACCESS: 1994-1996

	Successful Attempts	Unsuccessful Attempts	Total Attempts	Success Rate
1994 over-the counter	283	221	504	56%

Vending Machine	312	23	335	93%
1994 Total	595	244	839	71%
1995 over-the-counter	168	308	476	35%
Vending Machine	262	30	292	90%
1995 Total	430	338	768	56%
1996 over-the-counter	214	242	456	47%
Vending Machine	105	6	111	95%
1996 Total	319	248	567	56%

EXECUTIVE SUMMARY
The Regulations Restricting
The Sale and Distribution
Of Cigarettes and Smokeless Tobacco
To Protect Children and Adolescents
August 23, 1996

U.S. Food and Drug Administration
Department of Health and Human Services

I. Introduction

With the August 1996 publication of a final rule on tobacco in the *Federal Register*, the Food and Drug Administration (FDA) will regulate the sale and distribution of cigarettes and smokeless tobacco to children and adolescents. The action results from the agency's assertion of jurisdiction over tobacco products. This was based on an intensive FDA investigation of the tobacco industry, tobacco use and its health consequences. The rule will prohibit the sale of cigarettes and smokeless tobacco to those under 18 while leaving them on the market for adults.

Tobacco use is the single leading preventable cause of death in the United States. It kills more than 400,000 Americans each year — more people each year than AIDS, car accidents, alcohol, homicides, illegal drugs, suicides, and fires, combined .

The use of tobacco products, and the resulting nicotine addiction, begins predominantly in children and adolescents and is, consequently, a pediatric disease. Approximately 3 million American adolescents currently smoke, and an additional 1 million adolescent males use smokeless tobacco. Each year, another 1 million young people become regular smokers. Approximately one out of every three of these young people will die prematurely as a result.

Studies suggest that anyone who does not begin to use tobacco as a child or adolescent is unlikely to start as an adult. Eighty-two percent of adults who ever smoked had their first cigarette before age 18, and more than half of them had already become regular smokers by that age. Among smokers ages 12 to 17 years, 70 percent already regret their decision to smoke and 66 percent say that they want to quit.

Furthermore, studies show that children and adolescents are starting to smoke at earlier and earlier ages. Data reported in December 1995 showed that the proportion of 8th and 10th graders who reported smoking in the 30 days before the survey had risen by one-third since 1991, to about 19 percent and 28 percent respectively.

Similar problems exist with underage use of smokeless tobacco. School-based surveys in 1991 estimated that 19.2 percent of 9th to 12th grade boys use smokeless tobacco.

Finally, studies show that young people do not fully understand the serious health risks of these products, or believe that those risks do not apply to them. They are also very impressionable and therefore vulnerable to the sophisticated marketing techniques employed by the tobacco industry.

SB 55 - CHILDREN AND TOBACCO

Historical Timeline

About 1000 AD: Mayan pottery from Guatemala shows the first picture evidence of smoking. A Mayan is depicted smoking a roll of tobacco leaves tied with a string.

1492: Columbus discovers smoking.

1500's: Most European countries are introduced to smoking.

1610: Sir Francis Bacon of England writes that tobacco use is increasing and that it is a custom hard to quit.

1655: In Europe, smoking is thought to have a protective effect.

1760: Pierre Lorillard establishes a company in New York City for processing tobacco. Lorillard is the oldest tobacco company in the U.S.

1830's: First organized anti-tobacco movement in the U.S. combined with the temperance movement. Tobacco was viewed as making the mouth dry and creating a thirst which only liquor could quench.

1890: 26 states outlaw the sale of cigarettes to minors.

1906: Food and Drug Administration created. Originally, nicotine is on the list of drugs to be regulated. After tobacco industry lobbying efforts, nicotine is removed from the list.

1918: World War I. General John J. Pershing says: "You ask me what we need to win this war. I answer tobacco as much as bullets. Tobacco is as indispensable as the daily ration; we must have thousands of tons without delay."

1942: British researcher, L. M. Johnston experiments with nicotine injections and discusses aspects of addiction including craving and withdrawal symptoms.

1950: Morton Levin publishes first major study definitively linking smoking to lung cancer.

1964: First Surgeon General's Report determining smoking to be bad for health.

1966: Health warnings on cigarette packs begin.

1971: Television cigarette ads are taken off the air.

1972: Print tobacco ads required to carry health warnings.

1977: First Great American Smokeout.

1987: The original Malboro Man, David Millar, dies of emphysema.

1988: Surgeon General's Report defines nicotine as highly addictive.

1990: Smoking is banned on domestic flights.

1991: The Journal of the American Medical Association publishes two studies related to Joe Camel and kids:

- One finds that 91% of 6-year-olds can match Joe Camel to cigarettes and is as recognized by preschoolers as Mickey Mouse.
- The other study finds that since the start of the Joe Camel campaign, Camel's share of the under-18 market has risen from .5% to 32.8%.

1992: Second Malboro Man, Wayne McLaren, dies of lung cancer. Before dying, he appeared at a Philip Morris stockholder meeting and appeals to them to limit advertising.

1993: Environmental Protection Agency declares cigarette smoking Class-A carcinogen.

1994: Tobacco industry releases a list of 599 cigarette additives.

1994: Seven tobacco company executives testify before Congress that tobacco is not addictive.

1994: States begin suing tobacco industry to recover Medicaid costs.

1995: FDA declares nicotine a drug.

1995: Third Malboro Man, David McLean, dies of lung cancer.

1997: Liggett tobacco company settles with over twenty states that have brought Medicaid recovery suits against the company. As part of the settlement, Liggett agrees to turn evidence. Part of that evidence was that the tobacco industry knew nicotine was addictive and purposefully marketed to children.

May 24, 1997: State of Texas on the brink of passing one of the toughest laws in the nation to keep cigarettes out of the hands of children.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 247 ON THIRD READING
(Culberson - House Sponsor)

SB 247, A bill to be entitled An Act relating to compulsory attendance in public schools.

(Speaker in the chair)

Representative Culberson moved to postpone consideration of **SB 247** until 10 a.m. Monday, May 26.

The motion prevailed without objection.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Carter requested permission for the Committee on Local and Consent Calendars to meet at this time.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, at this time, speakers committee room.

HB 4 AND HJR 4 - REMARKS BY REPRESENTATIVE SADLER

Mr. Speaker and members, we just concluded our meeting of the conference committee on HB 4 and HJR 4. At that conference committee meeting we announced that we would not be reaching any type of compromise on any legislation that would come out of that committee under the terms which we talked about, under either the senate bill or the house bill. Let me say to you that we did everything within our power to bring back to this chamber legislation that you could be proud of. Along with the governor, speaker and lieutenant governor last night we met for approximately 6 hours. They worked late last night and all day today, and the bottom line is that a bill could not be produced that could achieve enough votes to pass. I promised to you a long time ago that I would not bring back to you something that I thought was unfair and I am not going to do that, nor would any member of our conference committee. This body took a very courageous and visionary step and one that you can be proud of to move forward into the future of this state and to work for the school children of this state. We did so at a time when there was not a crisis, at a time when you did not have to act but would have brought substantial— an almost sixty percent reduction in property taxes to the taxpayers of this state— would have created a new way of financing schools in this state. For the first time we would have established education as a priority in this state. Unfortunately it requires votes, and we could not get legislation that both chambers would accept and so we have concluded that process.

REMARKS ORDERED PRINTED

Representative Swinford moved to print remarks by Representative Sadler.

The motion prevailed without objection.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Brimer requested permission for the Committee on Business and Industry to meet at this time.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry, at this time, speakers committee room.

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 1447 ON SECOND READING
(Brimer - House Sponsor)**

SB 1447, A bill to be entitled An Act relating to the conversion of mutual insurance companies to stock insurance companies.

SB 1447 was passed to third reading.

(Speaker pro tempore in the chair)

**CSSB 31 ON SECOND READING
(Junell - House Sponsor)**

CSSB 31, A bill to be entitled An Act relating to the powers and duties of agencies in the executive, legislative, and judicial branches of state government, including authorizations for and restrictions on the use of state funds.

Amendment No. 1

Representative Junell offered the following amendment to **CSSB 31**:

Amend **CSSB 31** as follows:

(1) Between existing SECTIONS 6 and 7 of the bill (House Committee Report, page 10, between lines 8 and 9), insert the following appropriately numbered section:

SECTION _____. Section 2161.001(2), Government Code, is amended to read as follows:

(2) "Historically underutilized business" means an entity that has its principal place of business in this state and that is:

(A) a corporation formed for the purpose of making a profit in which 51 percent or more of all classes of the shares of stock or other equitable securities are owned by one or more socially disadvantaged persons who have a proportionate interest and actively participate in the corporation's control, operation, and management;

(B) a sole proprietorship created for the purpose of making a profit that is completely owned, operated, and controlled by a socially disadvantaged person;

(C) a partnership formed for the purpose of making a profit in which 51 percent or more of the assets and interest in the partnership are owned by one or more socially disadvantaged persons who have a proportionate interest and actively participate in the partnership's control, operation, and management;

(D) a joint venture in which each entity in the venture is a historically underutilized business, as determined under another paragraph of this subdivision; or

(E) a supplier contract between a historically underutilized business as determined under another paragraph of this subdivision and a prime contractor under which the historically underutilized business is directly involved in the manufacture or distribution of the goods or otherwise warehouses and ships the goods.

(2) In SECTION 7 of the bill, proposed Section 2161.065(b), Government Code, strike the second sentence (House Committee Report, page 10, lines 17-20) and substitute the following:

Each state agency and institution of higher education shall adopt the commission rules and shall make a good faith effort to increase purchases and contract awards to historically underutilized businesses based on the rules adopted by the commission to implement the disparity study.

(3) Strike SECTION 9 of the bill.

(4) Renumber sections of the bill accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives Junell and Cuellar offered the following amendment to **CSSB 31**:

Amend **CSSB 31** by adding the following appropriately numbered SECTION and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 521.271, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) The department shall by rule permit an applicant for an original license or for the renewal of a license to enter into an agreement with the department by which the applicant may pay the fee for the license or the renewal of the license in not more than four equal installments. The department shall issue the license at the time of the initial payment.

Amendment No. 2 was adopted without objection.

Amendment No. 3

On behalf of Representative Cuellar, Representative Junell offered the following amendment to **CSSB 31**:

Amend **CSSB 31** by adding the following appropriately numbered section and renumbering sections appropriately:

SECTION _____. Section 521.421, Transportation Code, is amended by adding Subsection (g) to read as follows:

(g) If after September 1, 1997, a person has paid a fee under Subsection (a) for issuance of a license or personal identification certificate that

subsequently expires, the fee for issuance of a new license or certificate to that person is \$16.

Amendment No. 3 was adopted without objection.

CSSB 31, as amended, was passed to third reading. (Clark, Craddick, Culberson, Denny, Finnell, Hartnett, Horn, Howard, Hupp, Isett, Kamel, Keffer, Madden, Talton, B. Turner, and Williams recorded voting no)

LEAVES OF ABSENCE GRANTED

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

Price on motion of Thompson.

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

Wolens on motion of McCall.

SB 627 ON SECOND READING (Place - House Sponsor)

SB 627, A bill to be entitled An Act relating to certification of bail bondsmen by the Texas Department of Licensing and Regulation; providing a penalty.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of a graduation speech in his district:

Kubiak on motion of Yarbrough.

SB 627 - (consideration continued)

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Dunnam, Representative Place offered the following committee amendment to **SB 627**:

Amend **SB 627** as follows:

On Page 5, line 16, strike subsection (1) in its entirety and substitute the following:

(1) one member shall be an attorney licensed by the State Bar of Texas and is board certified in Criminal law by the Texas Board of Legal Specialization who practices criminal defense law in Texas State courts.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Hinojosa, Representative Place offered the following committee amendment to **SB 627**:

Amend **SB 627** as follows:

On page 2, lines 16-17 in Section 2(b)(2)(B) strike "by the department" and substitute "a bail bond board".

On page 5, lines 9-10, in Section 6 strike "and (3) complies with any other requirements for renewal".

On page 6, line 1 in Section 7(c)(7) after the word "surety" insert "who is not also an agent for a corporate surety".

On page 7, SECTION 2, add a new paragraph (e) to read as follows:

(e) A person who holds a local recording agents license under Article 21.14, Insurance Code, shall not be required to take the certification examination provided for in this Act unless required to do so by the Texas Department of Insurance.

Amendment No. 3

Representative Place offered the following amendment to Amendment No. 2:

Amend Committee Amendment No. 2 to **SB 627** as follows:

Strike Section (e) of Committee Amendment No. 2 (recommitted house committee report printing, page 8, lines 18-23).

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted without objection.

LEAVE OF ABSENCE GRANTED

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

Rabuck on motion of Howard.

SB 627 - (consideration continued)

Amendment No. 4

Representative Talton offered the following amendment to **SB 627**:

Amend **SB 627** as follows:

(1) In Section 1(a), Article 2372p-4, Revised Statutes, as added by SECTION 1 of the bill (page 1, between lines 9 and 10, house committee report printing), insert the following:

(2) "Corporation" means a corporation that holds a certificate of authority issued under Article 8.20, Insurance Code.

(2) Renumber subsequent subdivisions of Section 1(a), Article 2372p-4, Revised Statutes, as added by SECTION 1 of the bill, appropriately.

(3) In Article 2372p-4, Revised Statutes, as added by SECTION 1 of the bill (page 7, between lines 2 and 3, house committee report printing), insert the following:

Sec. 8. CORPORATIONS. (a) A corporation that is licensed by a majority of the bail bond boards in this state may not execute a bail bond in any county of this state as a surety for compensation unless the corporation holds a certificate of registration issued by the Texas Department of Insurance as provided by this section.

(b) A corporation may apply to the commissioner of insurance for a certificate of registration. On application and proof that the corporation is licensed by a majority of the bail bond boards in this state, the commissioner

of insurance shall issue a certificate of registration to and assume exclusive regulatory and licensing authority over the corporation.

(c) A corporation that holds a certificate of registration under this section may write bail bonds in any county in the state.

(d) A person may not write bail bonds as an agent for a corporation that holds a certificate of registration unless the person is licensed as a local recording agent under Article 21.14, Insurance Code.

(e) The commissioner of insurance shall adopt rules and charge fees to:

(1) administer this section; and

(2) provide for the licensing and continuing education of local recording agents who write bail bonds.

(f) The commissioner of insurance shall require a corporation that is issued a certificate of registration to maintain a cash deposit with the county treasurer for each agent that writes bail bonds for the corporation in the county. The deposit must be in the same amount and for the same purposes as the deposit required for corporations writing bail bonds that do not hold a certificate of registration under this section.

(4) In SECTION 2 of the bill (page 7, between lines 18 and 19, house committee report printing), insert the following:

(e) The Texas Department of Insurance shall issue a local recording agent license under Article 21.14, Insurance Code, that is limited to the writing of bail bonds to a person who, on September 1, 1997, is an agent of a corporation that is qualified to receive a certificate of registration under Section 8, Article 2372p-4, Revised Statutes, as added by this Act.

Amendment No. 4 was adopted without objection.

SB 627, as amended, was passed to third reading.

SB 1036 ON SECOND READING

(S. Turner - House Sponsor)

SB 1036, A bill to be entitled An Act relating to the charitable contributions of state employees.

Representative Bosse moved to postpone consideration of **SB 1036** until 10 a.m. Monday, May 26.

The motion prevailed without objection.

SB 188 ON SECOND READING

(Hightower - House Sponsor)

SB 188, A bill to be entitled An Act relating to creating an offense for possession of certain information by an inmate of the institutional division or the state jail division of the Texas Department of Criminal Justice.

SB 188 was passed to third reading.

CSSB 987 ON SECOND READING

(Gallego - House Sponsor)

CSSB 987, A bill to be entitled An Act relating to alternative uses for money in the compensation to victims of crime fund or in the compensation to victims of crime auxiliary fund.

Amendment No. 1

Representative Gallego offered the following amendment to **CSSB 987**:

Amend **CSSB 987** (house committee printing) as follows:

(1) On page 1, line 17, strike "August 31, 1998" and substitute "September 1, 1999".

(2) Strike SECTIONS 3 and 4 of the bill and substitute the following:

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Kamel offered the following amendment to **CSSB 987**:

1. Amend **CSSB 987** by adding a new SECTION 3 to read as follows:

SECTION 3. Notwithstanding Subsection (b), Article 56.54, Code of Criminal Procedure, as amended by this Act, on September 1, 1997, the comptroller shall transfer \$20 million from the compensation to victims of crime fund established under Subchapter B, Chapter 56, Code of Criminal Procedure, to the emergency medical services and trauma care system fund in the state treasury to be used to implement Subchapter E, Chapter 773, Health and Safety Code, for the purpose of providing emergency medical and trauma care, as added by this act.

2. Renumber Section 3 and Section 4 accordingly.

Amendment No. 2 was withdrawn.

CSSB 987, as amended, was passed to third reading.

SB 102 ON SECOND READING
(Kamel - House Sponsor)

SB 102, A bill to be entitled An Act relating to the creation and use of an emergency medical services and trauma care system fund.

Amendment No. 1

Representatives Gallego and Berlanga offered the following amendment to **SB 102**:

Amend **SB 102** as follows:

(1) In Section 773.121(b), Health and Safety Code, as added by SECTION 1 of the bill (page 1, lines 12 and 13, House Committee Printing), strike "received under Sections 541.425(b) and 522.029(e), Transportation Code" and substitute "appropriated to the credit of the fund".

(2) Strike SECTIONS 2, 3, 4, and 5 of the bill (page 5, line 7 through page 7, line 5, House Committee Printing), and substitute the following SECTIONS:

SECTION 2. Section 771.071, Health and Safety Code, is amended by adding Subsection (g), to read as follows:

(g) Notwithstanding any other law, revenue derived from the fees imposed under this section may be appropriated to the emergency medical services and trauma care system fund established by Section 773.121. The comptroller shall transfer funds appropriated in accordance with this section to the emergency medical services and trauma care system fund to be used only for the purposes described by Section 773.121 through 773.124.

(3) Renumber subsequent sections of the bill appropriately.

(Speaker in the chair)

Representative Carter moved to table Amendment No. 1.

A record vote was requested.

The motion to table was lost by (Record 538): 16 Yeas, 114 Nays, 1 Present, not voting.

Yeas — Allen; Carter; Chisum; Denny; Elkins; Goodman; Hartnett; Keel; Madden; Moffat; Mowery; Rhodes; Seaman; Smith; Uher; Williams.

Nays — Alexander; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Chavez; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davila; Davis; Delisi; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Galloway; Glaze; Goolsby; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Hawley; Heflin; Hernandez; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keffer; King; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Roman; Sadler; Serna; Shields; Siebert; Smithee; Solis; Staples; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Van de Putte; Walker; West; Williamson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbrank.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Kubiak; Nixon; Price; Rabuck; Solomons; Turner, S.; Wolens.

Absent — Corte; Garcia; Hightower; McCall; Merritt; Stiles; Wilson.

STATEMENT OF VOTE

When Record No. 538 was taken, my vote failed to register. I would have voted yes.

Merritt

A record vote was requested.

Amendment No. 1 was adopted by (Record 539): 95 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berlanga; Burnam; Chavez; Clark; Coleman; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Finnell; Flores; Gallego; Glaze; Gray; Grusendorf; Hamric; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Junell; Kamel; Keffer; King; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Palmer; Pitts; Place; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Sadler; Serna; Siebert; Smithee; Solis; Staples; Stiles; Talton; Thompson; Tillery; Torres; Turner, B.; Van de Putte; Williamson; Wise; Woolley; Zbranek.

Nays — Allen; Bonnen; Bosse; Brimer; Carter; Chisum; Cook; Denny; Elkins; Galloway; Goodman; Goolsby; Greenberg; Hartnett; Hilderbran; Jackson; Janek; Keel; Krusee; Madden; McCall; Merritt; Moffat; Mowery; Patterson; Pickett; Roman; Shields; Smith; Swinford; Telford; Uher; Walker; West; Williams; Wohlgemuth; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Christian; Driver; Giddings; Gutierrez; Kubiak; Nixon; Price; Rabuck; Solomons; Turner, S.; Wolens.

Absent — Corte; Garcia; Haggerty; Seaman; Wilson.

STATEMENT OF VOTE

I was shown voting yes on Record No. 539. I intended to vote no.

King

Amendment No. 2

Representative Kamel offered the following amendment to **SB 102**:

Amend **SB 102** as follows:

(1) In Section 773.122(c), Health and Safety Code, as added by SECTION 1 of the bill (page 2, line 4, House Committee Printing), in the first sentence, between "to fund" and "the cost of", insert ", in connection with an effort to provide coordination with the appropriate trauma support area.".

(2) Following SECTION 4 of the bill (page 7, between lines 1 and 2, House Committee Printing), add the following new SECTION:

SECTION 5. Not later than December 1, 2000, the Texas Department of Health shall submit to the lieutenant governor and the speaker of the house of representatives a report concerning the use of money under Section 773.122, Health and Safety Code, as added by this Act, and any recommended changes to law to ensure appropriate funding and coordination of services.

(3) Renumber subsequent sections of the bill appropriately.

Amendment No. 2 was adopted without objection.

SB 102, as amended, was passed to third reading. (Horn and Keel recorded voting no)

HR 1087 - ADOPTED
(by Palmer)

Representative Palmer moved to suspend all necessary rules to take up and consider at this time **HR 1087**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1087, Congratulating Adrian Nelson on attaining the rank of Eagle Scout.

HR 1087 was adopted without objection.

On motion of Representative Ramsay, the names of all the members of the house were added to **HR 1087** as signers thereof.

SB 645 ON SECOND READING
(Ramsay - House Sponsor)

SB 645, A bill to be entitled An Act relating to state fiscal matters, including holidays, employee compensation and deductions, reports, consultants, and the comptroller's powers.

Amendment No. 1 (Committee Amendment No. 1)

Representative Ramsay offered the following committee amendment to **SB 645**:

Amend **SB 645**, SECTION 46 of the bill, as follows:

On page 28, line 13, Subsection (f)(1), between "institutions" and "[~~institution~~]", insert ", including credit unions"

AND

On page 28, lines 14-23 strike Subdivision (2) in its entirety and insert a new Subdivision (2) to read:

(2) The comptroller may also use the electronic funds transfer system to deposit a portion of an employee's gross pay into the employee's account at a credit union as prescribed by Subchapter G, Chapter 659, Government Code.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

Representative Ramsay offered the following committee amendment to **SB 645**:

Amend **SB 645** as follows:

In SECTION 65 of the bill, in Section 17, Article 5.76-3, Insurance Code (page 40, line 6,) strike "for inclusion in" and substitute "submission simultaneously with"; and (page 40, line 7-8) between "The" and "annual financial report" insert "board's"

Amendment No. 2 was adopted without objection.

Amendment No. 3 (Committee Amendment No. 3)

Representative Ramsay offered the following committee amendment to **SB 645**:

Amend SB 645:

In Section 66, Subsection (a), Section 403.021, Government Code, page 40, lines 13-20, strike Subsection (a) and insert the following Subsection (a):

(a) A state agency that expends appropriated funds shall report into the uniform statewide accounting system all payables and ~~[submit a binding]~~ estimated encumbrances for the first three quarters of the current appropriation year within 30 days after the close of each quarter and submit a binding encumbrance report to the comptroller, the state auditor, and the Legislative Budget Office no later than October 30 of each year.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Chisum offered the following amendment to **SB 645**:

Amend **SB 645** as follows:

1) On page 9, in Section 13 of the bill strike Sec. 403.026(a) and substitute the following:

"Sec. 403.026. RULES. (a) The comptroller may adopt rules to interpret, implement and administer a state statute if the statute specifically authorizes or requires the comptroller to interpret, implement or administer the statute."

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Craddick offered the following amendment to **SB 645**:

Amend **SB 645** as follows:

(1) Delete SECTION 13 in its entirety and renumber the subsequent sections accordingly.

(2) In SECTION 66, amend subsection (d), Section 403.021, Government Code on page 41, line 12 (committee printing) by replacing the word "may" with the word "shall."

(3) Delete SECTION 78 in its entirety and renumber the subsequent sections accordingly.

(4) In SECTION 79, amend Section 2101.0375(g) by adding a new subsection (3) as follows:

(3) "State agency" does not include:

(A) a state agency under the direct supervision and control of the governor, the secretary of state, the comptroller, the commissioner of the General Land Office, or the attorney general if the agency is not headed by a governing body;

(B) a state agency in the legislative or judicial branch of government;

(C) the Department of Agriculture; or

(D) the Railroad Commission of Texas.

(5) In SECTION 79, amend Section 2101.0376 by adding a new subsection (g) as follows:

(g) "State agency" does not include:

(A) a state agency under the direct supervision and control of the governor, the secretary of state, the comptroller, the commissioner of the

General Land Office, or the attorney general if the agency is not headed by a governing body:

(B) a state agency in the legislative or judicial branch of government;

(C) the Department of Agriculture; or

(D) the Railroad Commission of Texas.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Davis offered the following amendment to **SB 645**:

Amend **SB 645** by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Chapter 556, Government Code, is amended by adding Section 556.006 to read as follows:

Sec. 556.006. LEGISLATIVE LOBBYING. (a) A state agency may not use appropriated money to attempt to influence the passage or defeat of a legislative measure.

(b) This section does not prohibit a state officer or employee from using state resources to provide public information or to provide information responsive to a request.

SECTION _____. Section 556.002, Government Code, is amended to read as follows:

Sec. 556.002. EXCEPTION. Except for Section 556.006, this [This] chapter does not apply to an individual employed by the Department of Public Safety.

SECTION _____. The chapter heading to Chapter 556, Government code, is amended to read as follows:

CHAPTER 556. POLITICAL ACTIVITIES
BY STATE AGENCIES AND EMPLOYEES

Amendment No. 6 was adopted without objection.

Amendment No. 7

On behalf of Representative Kubiak, Representative Ramsay offered the following amendment to **SB 645**:

Amend **SB 645** by adding the following section, appropriately numbered, and renumbering subsequent sections appropriately:

SECTION _____. Sections 659.044(b) and (c), Government Code, are amended to read as follows:

(b) The amount increases when the 10th, 15th, 20th, [and] 25th, 30th, 35th, and 40th years of lifetime service credit are accrued.

(c) An increase is effective beginning with the month following the month in which the 10th, 15th, 20th, [and] 25th, 30th, 35th, and 40th years of lifetime service credit are accrued.

Amendment No. 7 was adopted.

Amendment No. 8

Representative Maxey offered the following amendment to **SB 645**:

Amend **SB 645** by adding new appropriately numbered sections of the bill to read as follows and by renumbering the remaining sections of the bill as appropriate:

SECTION _____. Chapter 772, Government Code, is amended by adding Section 772.0031 to read as follows:

Sec. 772.0031. HUMAN RESOURCE TASK FORCE. (a) The Human Resource Task Force is composed of a representative of:

- (1) the governor's office, appointed by the governor;
- (2) the state auditor's office, appointed by the state auditor;
- (3) the comptroller's office, appointed by the comptroller;
- (4) the attorney general's office, appointed by the attorney general;
- (5) the Commission on Human Rights, appointed by the presiding officer of that agency;
- (6) the Employees Retirement System of Texas, appointed by the presiding officer of the board of trustees of that agency;
- (7) the Texas Workforce Commission, appointed by the presiding officer of that agency;
- (8) the Texas Workers' Compensation Commission, appointed by the presiding officer of that agency;
- (9) the Legislative Budget Board, appointed by the presiding officer of the board;
- (10) the State Agency Coordinating Council, appointed by the presiding officer of that entity;
- (11) the Texas Small State Agency Task Force, appointed by the presiding officer of that entity; and
- (12) the Texas State Personnel Administrators' Association, appointed by the presiding officer of that entity; and
- (13) each eligible state employee organization certified by the comptroller under Section 403.0165, who must be the chief elected representative of the organization.

(b) The representatives of the State Agency Coordinating Council, the Texas Small State Agency Task Force, and the Texas State Personnel Administrators' Association serve as nonvoting members of the Human Resource Task Force.

(c) The representative of the governor's office serves as the presiding officer of the task force.

(d) The task force shall meet at the call of the presiding officer.

(e) A member of the task force is not entitled to compensation but is entitled to reimbursement of travel expenses incurred by the member while conducting the business of the task force, as provided by the General Appropriations Act. The appointing entity is responsible for the reimbursement of the entity's appointee.

(f) The member entities of the task force shall provide the staff for the task force.

(g) The task force shall:

- (1) identify and develop strategies to coordinate personnel policies and information dissemination within state government;
- (2) propose a method for the sharing and coordination of human resource training activities among state agencies; and
- (3) develop a "best practices" personnel manual to assist state agencies in developing, adapting, and revising human resource policies and implementing new programs.

(h) Not later than December 1, 1998, the task force shall submit to the legislature a report on the task force's recommendations and a draft of the "best practices" personnel manual.

(i) This section expires and the Human Resource Task Force is abolished on September 1, 1999.

SECTION _____. Chapter 651, Government Code, is amended by adding Section 651.004 to read as follows:

Sec. 651.004. MANAGEMENT-TO-STAFF RATIOS. (a) A state agency shall develop procedures for use in achieving a management-to-staff ratio of one manager for each 11 staff members.

(b) In this section, "state agency" has the meaning assigned by Section 2052.101.

SECTION _____. Section 2052.103, Government Code, is amended by amending Subsections (a) and (b) to read as follows:

(a) Not later than the last day of the first month following each quarter of the fiscal year, a state agency shall file with the state auditor a written report that provides for that fiscal quarter:

(1) the number of full-time equivalent state employees employed by the agency and paid from funds in the state treasury;

(2) the number of full-time equivalent state employees employed by the agency and paid from funds outside of the state treasury;

(3) the increase or decrease, if any, of the number of full-time equivalent employees from the fiscal quarter preceding the quarter covered by the report;

(4) the number of positions of the agency paid from funds in the state treasury;

(5) the number of positions of the agency paid from funds outside of the state treasury; ~~and~~]

(6) the number of individuals who performed services for the agency under a contract, including consultants and individuals employed under contracts with temporary help services; ~~and~~

(7) the number of managers, supervisors, and staff.

(b) The report must be made in the manner prescribed by the state auditor and include:

(1) an annotated organizational chart depicting the total number of full-time equivalent employees, without regard to the source of funds used to pay all or part of the salary of an employee, and the total number of managers, supervisors, and staff for each functional area in the state agency;

(2) the management-to-staff ratio for each functional area; and

(3) a separate organizational chart that summarizes the categories of employees in the agency's regional offices without regard to the source of funds used to pay all or part of the salary of an employee.

Amendment No. 8 was adopted without objection. (Isett recorded voting no)

Amendment No. 9

Representative Maxey offered the following amendment to **SB 645**:

Amend **SB 645** by adding the following section to the bill, appropriately numbered, and renumbering the existing sections of the bill appropriately:

SECTION _____. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.0141 to read as follows:

Sec. 403.0141. REPORT ON INCIDENCE OF TAX. (a) Before each regular session of the legislature, the comptroller shall report to the legislature and the governor on the overall incidence of the school district property tax and any state tax generating more than 2.5 percent of state tax revenue in the prior fiscal year. The analysis shall report on the distribution of the tax burden for the taxes included in the report.

(b) At the request of the chair of a committee of the senate or house of representatives to which has been referred a bill or resolution to change the tax system that would increase, decrease, or redistribute tax by more than \$20,000,000, the Legislative Budget Board with the assistance, as requested, of the comptroller shall prepare an incidence impact analysis of the bill or resolution. The analysis shall report on the incidence effects that would result if the bill or resolution were enacted.

(c) To the extent data is available, the incidence impact analysis under Subsections (a) and (b):

(1) shall evaluate the tax burden:

(A) on the overall income distribution, using a systemwide incidence measure or other appropriate measures of equality and inequality; and

(B) on income classes, including, at a minimum, quintiles of the income distribution, on renters and homeowners, on industry or business classes, as appropriate, and on various types of business organizations;

(2) may evaluate the tax burden:

(A) by other appropriate taxpayer characteristics, such as whether the taxpayer is a farmer, rancher, retired elderly, or resident or nonresident of the state; and

(B) by distribution of impact on consumers, labor, capital, and out-of-state persons and entities; and

(3) shall:

(A) use the broadest measure of economic income for which reliable data is available; and

(B) include a statement of the incidence assumptions that were used in making the analysis.

Amendment No. 9 was adopted without objection. (Isett recorded voting no)

Amendment No. 10

Representative Maxey offered the following amendment to **SB 645**:

Amend **SB 645** by adding the following section to the bill, appropriately numbered, and renumbering the existing sections of the bill appropriately:

SECTION _____. Section 403.014, Government Code, is amended to read as follows:

Sec. 403.014. REPORT ON EFFECT OF CERTAIN TAX PROVISIONS.

(a) Before each regular session of the legislature, the comptroller shall report to the legislature and the governor on the effect, if it is possible to assess, of exemptions, discounts, exclusions, special valuations, special accounting treatments, special rates, and special methods of reporting relating to:

(1) sales, excise, and use tax under Chapter 151, Tax Code;
(2) ~~[-and exemptions from and special rates relating to]~~ franchise tax under Chapter 171, Tax Code;
(3) school district property taxes under Title 1, Tax Code; and
(4) any other tax generating more than five percent of state tax revenue in the prior fiscal year.

(b) The report must include:

(1) an analysis of each special provision that reduces the amount of tax payable to include [and] an estimate of the loss of revenue for a six-year period including the current fiscal biennium and a citation of the statutory or legal authority for the provision; and

(2) for provisions reducing revenue by more than one percent of total revenue for a tax covered by this section, the effect of each provision on the distribution of the tax burden by income class and industry or business class, as appropriate.

(c) The report may include:

(1) an assessment of the intended purpose of the provision and whether the provision is achieving that objective; and

(2) a recommendation for retaining, eliminating, or amending the provision.

(d) The report may be included in any other report made by the comptroller.

(e) At the request of the chair of a committee of the senate or house of representatives to which has been referred a bill or resolution establishing, extending, or restricting an exemption, discount, exclusion, special valuation, special accounting treatment, special rate, or special method of reporting relating to any state tax, the Legislative Budget Board with the assistance, as requested, of the comptroller shall prepare a letter analysis of the effect on the state's tax revenues that would result from the passage of the bill or resolution. The letter analysis shall contain the same information as provided in Subsection (b), as appropriate.

(f) ~~[(e)]~~ The comptroller and Legislative Budget Board may request from any state officer or agency information necessary to complete the report or letter analysis. Each state officer or agency shall cooperate with the comptroller and Legislative Budget Board in providing information or analysis for the report or letter analysis.

Amendment No. 10 was adopted without objection. (Isett recorded voting no)

Amendment No. 11

Representative Clark offered the following amendment to **SB 645**:

Amend **SB 645** in Section 3 of the bill, in amended Section 2254.021(2), Government Code, (on page 2, line 13, House Committee Report version) by striking "\$10,000" and substituting "\$15,000 [~~\$10,000~~]".

Amendment No. 11 was adopted without objection.

SB 645, as amended, was passed to third reading.

SB 700 ON SECOND READING
(Rhodes - House Sponsor)

SB 700, A bill to be entitled An Act relating to unclaimed property; providing penalties.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Woolley, Representative Rhodes offered the following committee amendment to **SB 700**:

Amend **SB 700** as follows:

(1) On page 20, line 23, strike "Each" and substitute: "Except as provided by subsection (c), each"

(2) On page 21, line 9, insert the following subsection (c) to SECTION 21: "(c) If the property subject to delivery under subsection (a) is the contents of a safe deposit box, the comptroller may instruct a holder to deliver the property on a specified date after November 1st but before June 1st of the following year."

(3) On page 26, line 1, strike "a [an alphabetical]" and substitute: "an alphabetical"

(4) On page 42, line 22, insert the following subsection (d) to SECTION 39: "(d) The change in law under Sections 74.201 and 74.202, Property Code, as amended by this Act applies to any notice requirement provided under Section 74.201 on or after September 1, 1997, including notice requirements for property reported prior to September 1, 1997."

(5) On page 25, line 24, insert the following Section 74.3061 to SECTION 24: "Sec. 74.3061. ESCHEAT OF FUNDS IN THE POSSESSION OF THE UNITED STATES. (a) In the event any money is due to a resident of this state in the nature of a refund, rebate or other overpayment of taxes or fees to the United States, with respect to which the resident is likely to have his rights to secure such refund or rebate barred by a statute of limitations, or if for any reason at least three years has elapsed after the date of which the resident could have filed a timely claim for said refund or rebate, the comptroller is appointed agent of such resident to apply for said refund or rebate, and is authorized to do any act which a natural person could do to recover said money. When the comptroller files an application or initiates any other proceeding to secure said refund or rebate, the comptroller is coupled with an interest in the money sought and money recovered. All property within this provision, including all principal and interest accruing thereon, is declared to have escheated and to have become the property of the state.

(b) The funds escheated by the state pursuant to this provision shall be noticed as provided by Section 74.201. Title to any such property shall be transferred by the state to any persons who in accordance with subchapter F can show that the property belonged to them immediately prior to the escheat or that they were heirs to those funds immediately prior to the escheat."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Smith offered the following amendment to **SB 700**:

Amend **SB 700** by adding the following appropriately numbered sections to the bill and renumbering subsequent sections of the bill appropriately:

SECTION _____. Section 74.001, Property Code, is amended to read as follows:

Sec. 74.001. APPLICABILITY. (a) Except as provided by Subsection (b), this [This] chapter applies to a holder of property that is presumed abandoned under Chapter 72, Chapter 73, or Chapter 75.

(b) This chapter does not apply to a holder of property subject to Chapter 76.

SECTION _____. Title 6, Property Code, is amended by adding Chapter 76 to read as follows:

CHAPTER 76. REPORT, DELIVERY, AND
CLAIMS PROCESS FOR CERTAIN PROPERTY
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 76.001. APPLICABILITY. This chapter applies only to the holder of property if:

(1) the holder is a municipality or county; and

(2) the property is:

(A) presumed abandoned under Chapter 72 or 75; and

(B) valued at \$100 or less.

Sec. 76.002. OFFICERS AND REPRESENTATIVES. In this chapter:

(1) a reference to the treasurer of a holder includes a person performing the duties of the treasurer of a holder in a municipality or county in which the office of treasurer does not exist; and

(2) a reference to the attorney for a holder includes an attorney designated by the governing body of the holder to represent the holder.

[Sections 76.003-76.100 reserved for expansion]

SUBCHAPTER B. PROPERTY REPORT

Sec. 76.101. PROPERTY REPORT. (a) Each holder who on June 30 holds property subject to this chapter shall file a report of that property on or before the following November 1. Each report shall be filed with the treasurer of the holder as provided by this section and on forms prescribed by the treasurer of the holder.

(b) A holder required by Subsection (a) to file a report shall file a report each successive year regardless of whether the holder has any reportable property on June 30 of the year in which the report is filed.

Sec. 76.102. VERIFICATION. (a) The person preparing a property report shall place at the end of each copy of the report a verification made under oath and executed by the chief fiscal officer of the holder, as designated by the holder.

(b) The verification must include the following sentence: "This report contains a full and complete list of all property held by the undersigned that, from the knowledge and records of the undersigned, is abandoned under the laws of the State of Texas."

Sec. 76.103. RETENTION OF RECORDS. (a) The holder required to file a property report shall keep a record of:

(1) the name and last known address of each person who, from the records of the holder, appears to be the owner of the property;

(2) a brief description of the property, including the identification number of the account, if any; and

(3) the balance of each account, if appropriate.

(b) The record must be kept until the 10th anniversary of the date on which the property is reportable.

(c) The treasurer of the holder may provide for a shorter period for keeping a record required by this section.

Sec. 76.104. CONFIDENTIALITY OF PROPERTY REPORT. (a) Except as provided by this chapter, a property report filed with the treasurer of the holder is confidential until the second anniversary of the date the report is filed.

(b) Notwithstanding other law, the social security number of an owner that is reported to the treasurer of the holder is confidential.

[Sections 76.105-76.200 reserved for expansion]

SUBCHAPTER C. NOTICE

Sec. 76.201. PUBLISHED NOTICE. (a) Except as provided by Subsections (b) and (e), the treasurer of a holder shall publish a notice in a newspaper in the calendar year immediately following the year in which the property report is filed. The newspaper must be a newspaper of general circulation in the jurisdiction of the holder.

(b) The treasurer of the holder may use a method of publishing notice that is different from that prescribed by Subsection (a) if the treasurer determines that the different method would be as likely as the prescribed method to give actual notice to the person required to be named in the notice.

(c) The published notice must state that the reported property is presumed abandoned and subject to this chapter and must contain:

(1) a statement that, by addressing an inquiry to the treasurer of the holder, any person possessing a legal or beneficial interest in the reported property may obtain information concerning the amount of the property; and

(2) a statement that the owner may present proof of the claim to the treasurer of the holder and establish the owner's right to receive the property.

(d) The treasurer of a holder may offer for sale space for suitable advertisements in a notice published under this section. Proceeds from the sale of the advertising space shall be used to defray the cost of publishing the notices, with the remaining amount, if any, to be deposited to the credit of the unclaimed money fund.

(e) In the notice required by this section, the treasurer of the holder may publish other information regarding property if the treasurer determines that publication of that information is in the public interest.

Sec. 76.202. NOTICE TO OWNER. (a) During the calendar year immediately following the year in which the property report is filed, the treasurer of the holder may mail a notice to each person who has an address in this state and appears to be entitled to the reported property.

(b) The notice must contain:

(1) a statement that property is being held by the treasurer of the holder to which the addressee appears to be entitled; and

(2) a statement that the owner may present proof of the claim to the treasurer of the holder and establish the owner's right to receive the property.

Sec. 76.203. NOTICE THAT ACCOUNTS ARE SUBJECT TO THIS CHAPTER. Publication of notice in accordance with Section 76.201 is notice

to the owner by the holder that the reported property is subject to this chapter.

Sec. 76.204. CHARGE FOR NOTICE. The treasurer of the holder may charge the following against the property delivered under this chapter:

(1) expenses incurred for the publication of notice required by Section 76.201; and

(2) the amount paid in postage for the notice to the owner required by Section 76.202.

[Sections 76.205-76.300 reserved for expansion]

SUBCHAPTER D. DELIVERY

Sec. 76.301. DELIVERY OF PROPERTY TO TREASURER. (a) Each holder who on June 30 holds property that is subject to this chapter shall deliver the property to the treasurer of the holder on or before the following November 1 accompanied by the property report.

(b) If the property subject to delivery under Subsection (a) is stock or some other intangible ownership interest in a business association for which there is no evidence of ownership, the holder shall issue a duplicate certificate or other evidence of ownership to the treasurer of the holder at the time delivery is required under this section.

Sec. 76.302. VERIFICATION OF DELIVERED PROPERTY. (a) Property delivered under Section 76.301 must be accompanied by a verification under oath that:

(1) the property delivered is a complete and correct remittance of all accounts subject to this chapter in the holder's possession;

(2) the existence and location of the listed owners are unknown to the holder; and

(3) the listed owners have not asserted a claim or exercised an act of ownership with respect to the owner's reported property.

(b) The verification required by Subsection (a) shall be signed by the chief fiscal officer of the holder, as designated by the holder.

Sec. 76.303. LIST OF OWNERS. (a) The treasurer of the holder shall compile and revise each year an alphabetical list of names and last known addresses of the owners listed in the reports and the amount credited to each account.

(b) The treasurer of the holder shall make the list available for public inspection during all reasonable business hours.

Sec. 76.304. PERIOD OF LIMITATION NOT A BAR. The expiration of any period specified by statute or court order, during which an action or proceeding may be initiated or entered to obtain payment of a claim for money, does not prevent the money from being presumed abandoned property and does not affect any duty to file a report required by this chapter or to deliver abandoned property to the treasurer of the holder.

[Sections 76.305-76.400 reserved for expansion]

SUBCHAPTER E. DISPOSITION OF DELIVERED PROPERTY

Sec. 76.401. SALE OF PROPERTY. (a) Except as provided by Subsection (c), the treasurer of the holder shall sell at public sale all personal property, other than money and marketable securities, delivered to the treasurer of the holder in accordance with Section 76.301. The treasurer of the holder shall conduct the sale in the holder's jurisdiction.

(b) The treasurer of the holder shall sell the property to the highest bidder. If the treasurer of the holder determines that the highest bid is insufficient, the treasurer of the holder may decline that bid and offer the property for public or private sale.

(c) The treasurer of the holder is not required to offer property for sale if the property belongs to a person with an address outside this state or the treasurer of the holder determines that the probable cost of the sale of the property exceeds its value.

(d) If after investigation the treasurer of the holder determines that property delivered has insubstantial commercial value, the treasurer of the holder may destroy or otherwise dispose of the property at any time.

(e) A person may not maintain any action or proceeding against the state, an officer of the state, or the holder of property because of an action taken by the treasurer of the holder under this section.

Sec. 76.402. NOTICE OF SALE. Before the 21st day before the day on which a public sale is held under Section 76.401, the treasurer of the holder shall publish notice of the sale in a newspaper of general circulation in the county where the sale is to be held.

Sec. 76.403. PURCHASER'S TITLE. (a) At a sale, public or private, of property that is held under this subchapter, the purchaser receives title to the purchased property free from all claims of the prior owner and prior holder of the property and all persons claiming through or under the owner or holder.

(b) The treasurer of the holder shall execute all documents necessary to complete the transfer of title.

[Sections 76.404-76.500 reserved for expansion]

SUBCHAPTER F. CLAIM FOR DELIVERED PROPERTY

Sec. 76.501. FILING OF CLAIM. (a) A claim for property delivered to the treasurer of the holder under this chapter must be filed with the treasurer of the holder.

(b) All claims to which this section applies must be filed in accordance with procedures and on forms prescribed by the treasurer of the holder.

Sec. 76.502. CONSIDERATION OF CLAIM. The treasurer of the holder shall consider the validity of each claim filed under this subchapter.

Sec. 76.503. HEARING. (a) The treasurer of the holder may hold a hearing and receive evidence concerning a claim filed under this subchapter.

(b) If the treasurer of the holder considers that a hearing is necessary to determine the validity of a claim, the treasurer of the holder shall sign the statement of the findings and the decision on the claim. The statement shall report the substance of the evidence heard and the reasons for the decision. The statement is a public record.

(c) If the treasurer of the holder determines that a claim is valid, the treasurer of the holder shall approve and sign the claim.

Sec. 76.504. PAYMENT OF CLAIM. (a) If a claim has been approved under this subchapter, the treasurer of the holder shall pay the claim.

(b) If a claim is for personal property other than money and has been approved under this subchapter, the treasurer of the holder promptly shall deliver the property to the claimant unless the treasurer of the holder has sold the property. If the property has been sold under Section 76.401, the treasurer of the holder shall pay to the claimant the proceeds from the sale.

(c) Costs of publication and postage shall be deducted from the amounts paid under this section, but deductions for any costs of administration or service charges may not be made.

Sec. 76.505. APPEAL. (a) A person aggrieved by the decision on a claim filed under this subchapter may appeal the decision before the 61st day after the date the decision was rendered.

(b) If a claim has not been decided before the 91st day after the date the claim was filed, the claimant may appeal within the 60-day period beginning on the 91st day after the date of filing.

(c) An appeal under this section must be made by filing suit against the holder in a district court in the county in which the claimed property is located. The holder's immunity from suit without consent is waived with respect to a suit under this section.

(d) A court shall try an action filed under this section de novo and shall apply the rules of practice of the court.

Sec. 76.506. FEE FOR RECOVERY. A person who informs a potential claimant that the claimant may be entitled to claim property that is reportable to the treasurer of the holder under this chapter, that has been reported to the treasurer of the holder, or that is in the possession of the treasurer of the holder may not contract for or receive from the claimant for services an amount that exceeds 10 percent of the value of the property recovered. If the property involved is mineral proceeds, the amount for services may not include a portion of the underlying minerals or any production payment, overriding royalty, or similar payment.

Sec. 76.507. CLAIM OF ANOTHER STATE TO RECOVER PROPERTY; PROCEDURE. (a) At any time after property has been paid or delivered to the treasurer of the holder under this chapter, another state may recover the property if:

(1) the property was subjected to custody by the holder because the records of the holder did not reflect the last known address of the apparent owner when the property was presumed abandoned under this chapter, and the other state establishes that the last known address of the apparent owner or other person entitled to the property was in that state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state;

(2) the last known address of the apparent owner or other person entitled to the property, as reflected by the records of the holder, is in the other state and under the laws of that state the property has escheated to or become subject to a claim of abandonment by that state; or

(3) the records of the holder were erroneous in that the records did not accurately reflect the actual owner of the property and the last known address of the actual owner is in the other state and under the laws of that state the property escheated to or was subject to a claim of abandonment by that state.

(b) The claim of another state to recover escheated or abandoned property must be presented in a form prescribed by the treasurer of the holder, who shall decide the claim within 90 days after the date it is presented. The treasurer of the holder shall allow the claim if the treasurer of the holder determines that the other state is entitled to the abandoned property under Subsection (a).

[Sections 76.508-76.600 reserved for expansion]

SUBCHAPTER G. UNCLAIMED MONEY FUND

Sec. 76.601. FUND. (a) The treasurer of the holder shall maintain a fund known as the unclaimed money fund.

(b) The treasurer of the holder shall deposit to the credit of the fund:

(1) all funds, including marketable securities, delivered to the treasurer of the holder under this chapter or any other statute requiring the delivery of unclaimed property to the treasurer of the holder;

(2) all proceeds from the sale of any property, including marketable securities, under this chapter; and

(3) any income derived from investments of the fund.

(c) The treasurer of the holder shall keep a separate record and accounting for delivered unclaimed property, other than money, before its sale.

(d) The treasurer of the holder shall from time to time invest the amount in the unclaimed money fund in investments approved by law for the investment of funds by the holder.

(e) The treasurer of the holder may from time to time sell securities in the fund, including stocks, bonds, and mutual funds, and use the proceeds to buy, exchange, invest, or reinvest in marketable securities. When making the investments, the treasurer of the holder shall exercise the judgment and care of a prudent person.

(f) The treasurer of the holder shall keep a separate record and accounting for securities delivered, sold, purchased, or exchanged and the proceeds and earnings from the securities.

Sec. 76.602. USE OF FUND. (a) The treasurer of the holder shall use the unclaimed money fund to pay the claims of persons establishing ownership of property in the possession of the treasurer of the holder under this chapter or under any other unclaimed property or escheat statute.

(b) Each fiscal year after deducting funds sufficient to pay anticipated expenses and claims of the unclaimed money fund, the treasurer of the holder shall transfer the remainder to the general fund of the holder.

(c) The treasurer of the holder and the attorney for the holder may use the unclaimed money fund generally for the enforcement and administration of this chapter, including the expenses of forms, notices, examinations, travel, court costs, supplies, equipment, and employment of necessary personnel and other necessary expenses.

Sec. 76.603. AUDIT; BUDGET. The unclaimed money fund is subject to:

(1) audit by the auditor of the holder or an independent auditor if the holder does not have an auditor; and

(2) budgetary procedures adopted by the governing body of the holder.

[Sections 76.604-76.700 reserved for expansion]

SUBCHAPTER H. ENFORCEMENT

Sec. 76.701. RULES. The treasurer of the holder may adopt rules necessary to carry out this chapter.

Sec. 76.702. EXAMINATION OF RECORDS. (a) To enforce this chapter and to determine whether reports have been made as required by this chapter, the treasurer of the holder, at any reasonable time, may examine the books and records of the holder.

(b) The treasurer of the holder, attorney for the holder, or an agent of either person may not make public any information obtained by an examination made under this section and may not disclose that information except:

(1) in the course of a judicial proceeding authorized by this chapter in which the holder is a party; or

(2) under an agreement with another state allowing joint audits or the exchange of information obtained under this section.

Sec. 76.703. ADDITIONAL PERSONNEL. (a) The treasurer of the holder and the attorney for the holder may employ, in the office of either person, additional personnel necessary to enforce this chapter.

(b) The salary rate of additional personnel may not exceed the rate paid to other employees of the holder for similar services.

(c) The salaries of additional personnel shall be paid in accordance with Section 76.602.

Sec. 76.704. OFFENSE. (a) A person commits an offense if the person:

(1) wilfully fails to file a report required by this chapter;

(2) refuses to permit examination of records in accordance with this chapter;

(3) makes a deduction from or a service charge against a dormant account or dormant deposit of funds; or

(4) violates any other provision of this chapter.

(b) An offense under this section is punishable by:

(1) a fine of not less than \$500 or more than \$1,000;

(2) confinement in jail for a term not to exceed six months; or

(3) both the fine and confinement.

(c) In addition to a criminal penalty, a person who commits an offense under Subsection (a) is subject to a civil penalty not to exceed \$100 for each day of the violation. The attorney for the holder shall collect the civil penalty by bringing suit in a district court of the county in which the holder is located.

SECTION ____. (a) The changes in law made by Section 74.001, Property Code, as amended by this Act, and Chapter 76, Property Code, as added by this Act, apply only to unclaimed property held by a holder, as that term is used in Chapter 76, Property Code, as added by this Act, on or after June 30, 1998.

(b) Property held by a holder, as that term is used in Chapter 76, Property Code, as added by this Act, on June 30, 1997, is governed by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 3

Representative Smith offered the following amendment to Amendment No. 2:

Amend Floor Amendment No. 2 to **SB 700** by adding the following at the end of the amendment:

SECTION ____. (a) Interest, attorney's fees, and penalties owed by a county or municipality under Section 74.705, Property Code, before June 30, 1998, are not required to be paid if the county or municipality delivers to the comptroller not later than March 1, 1999, the property for which the interest,

attorney's fees, or penalties have accrued. The waiver of interest, attorney's fees, and penalties provided by this subsection is for the purpose of permitting the county or municipality to defray the costs of administering Chapter 76, Property Code, as added by this Act.

(b) Any property valued at \$100 or less that is required to be delivered to the comptroller by a county or municipality under Chapter 74, Property Code, before June 30, 1998, and that has not been delivered to the comptroller by that date:

(1) is not required to be delivered to the comptroller; and

(2) will not accrue interest, attorney's fees, or penalties after June 30, 1998.

Representative Rhodes moved to table Amendment No. 3.

The motion to table was lost.

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted.

SB 700, as amended, was passed to third reading.

SB 336 ON SECOND READING
(Tillery - House Sponsor)

SB 336, A bill to be entitled An Act relating to the right of fire fighters to meet and confer.

Representative Williams raised a point of order against further consideration of **SB 336** under Rule 4, Section 18(b) of the House Rules on the grounds that the minutes indicate that Representative Tillery, who is not a member of the committee, was recognized to explain the bill, but his name was not listed on the witness list attached to the minutes.

The speaker sustained the point of order.

The bill was returned to the Committee on Urban Affairs.

SB 582 ON SECOND READING
(Holzheuser - House Sponsor)

SB 582, A bill to be entitled An Act relating to the application of the oil production tax to new or expanded enhanced recovery projects.

SB 582 was passed to third reading. (Finnell recorded voting present, not voting)

SB 505 ON SECOND READING
(Brimer - House Sponsor)

SB 505, A bill to be entitled An Act relating to the characterization of a transaction as a sale of accounts or chattel paper.

SB 505 was passed to third reading.

SB 1247 ON SECOND READING
(Berlanga - House Sponsor)

SB 1247, A bill to be entitled An Act relating to regulation of a home and community support services agency; providing an administrative penalty.

Amendment No. 1

Representative Maxey offered the following amendment to **SB 1247**:

Amend **SB 1247** as follows:

(1) Insert the following sections, appropriately numbered:

SECTION _____. Section 142.006, Health and Safety Code, is amended by amending Subsections (d) and (e) and adding Subsections (f) and (g) to read as follows:

(d) The department shall ~~may~~ find that a home and community support services agency that provides only long-term care Medicaid waiver services that are publicly funded has satisfied the requirements for licensing under this chapter if the agency is certified and monitored by a state agency that has developed standards that ensure the health and safety of service recipients [certification standards that meet or exceed the requirements for licensing under this chapter. A license fee is required at the time of a license application].

(e) The department shall find that a home and community support services agency that provides home health, hospice, or personal assistance services only to persons enrolled in a program that is funded in whole or in part by the Texas Department of Mental Health and Mental Retardation and is monitored by the Texas Department of Mental Health and Mental Retardation or its designated local authority in accordance with standards set by the Texas Department of Mental Health and Mental Retardation has satisfied the requirements for licensing.

(f) The department shall adopt the applicable standards of the agency that certifies and monitors the home and community support services agency for use in issuing a license under Subsection (d) or (e). When applying for a license under Subsection (d) or (e) and annually before the license is renewed, a person must provide the department with documentation issued by the agency that certifies and monitors the home and community support services agency that demonstrates that the person complies with applicable standards. A license fee is required at the time of application.

(g) The license must designate the types of services that the home and community support services agency is authorized to provide at or from the designated place of business.

SECTION _____. Section 142.009, Health and Safety Code, is amended by amending Subsections (i), (j), and (k) and adding Subsection (l) to read as follows:

(i) A home and community support services agency licensed under Section 142.006(d) or (e) is not subject to surveys conducted by licensing personnel of the department to meet the requirements of this chapter.

(j) Except as provided by Subsections (h), (i), and (l) [(k)], an on-site survey must be conducted within 18 months after a survey for an initial license. After that time, an on-site survey must be conducted at least every 36 months.

(k) ~~[(j)]~~ If a person is renewing or applying for a license to provide more than one type of service under this chapter, the surveys required for each of the services the license holder or applicant seeks to provide shall be completed during the same surveyor visit.

(l) ~~[(k)]~~ The department and other state agencies that are under the Health and Human Services Commission and that contract with home and community

support services agencies to deliver services for which a license is required under this chapter shall execute a memorandum of understanding that establishes procedures to eliminate or reduce duplication of standards or conflicts between standards and of functions in license, certification, or compliance surveys and complaint investigations. The Health and Human Services Commission shall review the recommendation of the council relating to the memorandum of understanding before considering approval. The memorandum of understanding must be approved by the commission.

(2) In the recital to SECTION 5 of the bill (page 8, line 19, House Committee Printing), strike "Sections 142.017 through 142.0175" and substitute "Sections 142.017 through 142.0176".

(3) In SECTION 5 of the bill (page 15, between lines 19 and 20, House Committee Printing), following Section 142.0175, insert new Section 142.0176 to read as follows:

Sec. 142.0176. CERTAIN AGENCIES EXCEPTED. (a) Notwithstanding any other provision of this chapter, the department may not assess an administrative penalty against a home and community support services agency licensed under Section 142.006(d) or (e) that is certified and monitored by a state agency.

(b) The agencies licensed under Sections 142.006(d) and (e) are subject to sanctions or penalties by the state agency that certifies and monitors the services, and each state agency shall inform the department within five working days of any sanction or adverse action taken against a home and community support services agency licensed under Section 142.006(d) or (e). The department may take enforcement action under this chapter, except for the assessment of administrative penalties, against a home and community support services agency licensed under Section 142.006(d) or (e).

(4) Renumber subsequent sections of the bill appropriately.

Amendment No. 1 was adopted. (Talton recorded voting no)

SB 1247, as amended, was passed to third reading. (Finnell, Heflin, and Shields recorded voting no)

SB 78 ON SECOND READING **(McClendon - House Sponsor)**

SB 78, A bill to be entitled An Act relating to punishment for the offense of arson.

SB 78 was passed to third reading.

SB 332 ON SECOND READING **(Gray - House Sponsor)**

SB 332, A bill to be entitled An Act relating to the decisions of certain administrative law judges in occupational licensing contested cases and to judicial review of those decisions.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Yarbrough, Representative Gray offered the following committee amendment to **SB 332**:

Amend **SB 332**, page 3, line 4, to add a new section 3, and renumber sections 3, 4 and 5 accordingly:

SECTION 3. Section 2001.058, Government Code, is amended by adding subsection (g) to read as follows:

(g) The provisions of subsection (f) of this section do not apply to any action brought under any section of the Insurance Code.

Representative Gray moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Gray offered the following amendment to **SB 332**:

Amend **SB 332** as follows:

(1) Strike SECTION 1 of the bill and substitute the following:

SECTION 1. Section 2001.058, Government Code, is amended by amending Subsection (e) and adding Subsection (f) to read as follows:

(e) A state agency may change a finding of fact or conclusion of law made by the administrative law judge, or may vacate or modify an order issued by the administrative judge, only if the agency determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, or prior administrative decisions; or

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed [for reasons of policy].

The agency shall state in writing the specific reason and legal basis for a change made under this subsection.

(f) A state agency by rule may provide that in a contested case before the agency that concerns licensing in relation to an occupational license and that is not disposed of by stipulation, agreed settlement, or consent order, the administrative law judge shall render the final decision in the contested case. If a state agency adopts such a rule, the following provisions apply to contested cases covered by the rule:

(1) the administrative law judge shall render the decision that may become final under Section 2001.144 not later than the 60th day after the latter of the date on which the hearing is finally closed or the date by which the judge has ordered all briefs, reply briefs, and other posthearing documents to be filed, and the 60-day period may be extended only with the consent of all parties, including the occupational licensing agency;

(2) the administrative law judge shall include in the findings of fact and conclusions of law a determination whether the license at issue is primarily a license to engage in an occupation;

(3) the State Office of Administrative Hearings is the state agency with which a motion for rehearing or a reply to a motion for rehearing is filed under Section 2001.146 and is the state agency that acts on the motion or extends a time period under Section 2001.146;

(4) the State Office of Administrative Hearings is the state agency responsible for sending a copy of the decision that may become final under Section 2001.144 or an order ruling on a motion for rehearing to the parties,

including the occupational licensing agency, in accordance with Section 2001.142; and

(5) the occupational licensing agency and any other party to the contested case is entitled to obtain judicial review of the final decision in accordance with this chapter.

(2) In SECTION 2 of the bill, in amended Section 2003.042(6), Government Code (house committee printing, page 3, line 2), strike "other law" and substitute "a state agency rule adopted under Section 2001.058(f)".

Amendment No. 3

Representative Gray offered the following amendment to Amendment No. 2:

Amend the Gray amendment to **SB 332** as follows:

(1) In the amendment of Section 2001.058(e)(1), Government Code, between "agency rules," and "or prior", insert "written policies provided under Subsection (c)." (page 1, line 12, of the amendment).

(2) In the amendment of Section 2001.058(e)(1), Government Code, after the semicolon, strike "or" (page 1, line 13, of the amendment).

(3) At the end of the amendment of Section 2001.058(e)(2), Government Code, between "or should be changed" and the bracketed and struck-through language, insert "; or

(3) that a technical error in a finding of fact should be changed" (page 1, at the end of line 15, of the amendment).

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted without objection.

SB 332, as amended, was passed to third reading.

SB 318 ON SECOND READING (Thompson - House Sponsor)

SB 318, A bill to be entitled An Act relating to the liability of and bonds required of guardians of the person of certain wards.

SB 318 passed to third reading.

CSSB 534 ON SECOND READING (Maxey - House Sponsor)

CSSB 534, A bill to be entitled An Act relating to the collection of claims for recovery of money under subrogation and third-party reimbursement rights arising from medical payments by health and human services agencies.

Amendment No. 1

Representative Maxey offered the following amendment to **CSSB 534**:

Amend **CSSB 534** as follows:

(1) Amend SECTION 1, Sec. 531.0391, by adding a new subsection (e) to read as follows:

"(e) Any contract entered into under Subsection (a) shall not affect or infringe on any existing collection contract."

(2) Amend SECTION 1, Sec. 531.0392, by striking the subsection in its entirety and substituting the following:

Sec. 531.0392. SUBROGATION AND THIRD-PARTY REIMBURSEMENT; HOSPITAL PROVIDERS. To the extent permissible by law, a hospital provider may claim a right of subrogation as to any funds to which the commission or a health and human services agency has a right of recovery under Section 32.033, Human Resources Code. If the hospital provider's claim for subrogation is based on an injured recipient making a claim for damages from a third party tortfeasor, the hospital provider's rights of subrogation are secondary to that of the commission, may not be asserted directly or indirectly against the injured recipient, and may only be asserted when the injured recipient has fully recovered their actual damages from the third party. The combined amounts received by the hospital provider from the commission and the third party may not exceed the amount charged by the hospital for the injured recipient's first 100 days of hospitalization.

Amendment No. 1 was adopted without objection.

CSSB 534, as amended, was passed to third reading.

SB 1241 ON SECOND READING
(Cuellar - House Sponsor)

SB 1241, A bill to be entitled An Act relating to the creation of the Faculty Enhancement Fund for Generalist Physicians.

SB 1241 was passed to third reading.

SB 1810 ON SECOND READING
(Dukes - House Sponsor)

SB 1810, A bill to be entitled An Act relating to the creation, operation, and funding of the Texas Youthworks Program.

Representative Chisum raised a point of order against further consideration of **SB 1810** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that rulemaking authority is also granted in the portion of Section 1 of the bill that adds Section 2306.630 of the Government Code, but the rulemaking authority statement in the bill analysis fails to identify that section.

The point of order was withdrawn.

Representative Dukes moved to postpone consideration of **SB 1810** until 8:30 p.m. today.

The motion prevailed without objection.

CSSB 1929 ON SECOND READING
(Kuempel - House Sponsor)

CSSB 1929, A bill to be entitled An Act relating to the disposal of certain solid waste and permits for disposal of that waste.

Amendment No. 1

Representative Kuempel offered the following amendment to **CSSB 1929**:

Amend **CSSB 1929** (House Committee Report) as follows:

(1) In Section 1 of the bill, strike proposed Section 361.116, Health and Safety Code (page 1, lines 7-12), and substitute:

Sec. 361.116. DISPOSAL OF INCIDENTAL INJECTION WELL WASTE. Notwithstanding Chapter 2001, Government Code, and any other provision of this chapter, the commission shall grant to the owner or operator of a commercial hazardous waste disposal well facility originally permitted after June 7, 1991, a permit modification that authorizes the construction and operation of an on-site or adjoining landfill for the disposal of hazardous and nonhazardous solid waste generated by the operation of the facility if the proposed landfill meets all applicable state and federal design requirements and the commission follows a public notice and comment procedure that is consistent with 40 C.F.R. Section 270.42.

(2) In Section 2 and Section 3 of the bill, strike proposed Subsections (a) and (b) of Section 361.0895, Health and Safety Code (page 1, lines 16-24 and page 2, lines 1-6), and strike Subsections (a) and (b) of Section 27.0515, Water Code (page 2, lines 10-24), and substitute:

FACILITIES REQUIRED TO OBTAIN FEDERAL APPROVAL. For a commercial hazardous waste disposal well facility originally permitted by the commission after June 7, 1991, and which is required to obtain from the United States Environmental Protection Agency a variance from the federal land disposal restrictions before injecting permitted hazardous wastes:

(1) a permit or other authorization issued to the facility under this chapter is not subject to cancellation, amendment, modification, revocation, or denial of renewal because the permit holder has not commenced construction or operation of the facility; and

(2) the fixed term of each permit or other authorization issued to the facility under this chapter shall commence on the date physical construction of the authorized waste management facility begins.

(3) Strike Sections 4 and 5 of the bill (page 2, lines 25-27 and page 3, lines 1-3), and substitute:

SECTION 4. (a) Sections 361.116 and 361.0895, Health and Safety Code, and Section 27.0515, Water Code, as added by this Act do not apply to any facility that did not have an original permit application pending at the commission on June 7, 1991, nor to any facility that obtained a federal variance from the land disposal restrictions prior to the effective date of this Act.

(b) Section 361.0895, Health and Safety Code, and Section 27.0515, Water Code, shall be construed in a manner that promotes consistency with applicable federal regulations and maintains federal program delegation, and shall not be applied in circumstances that would result in the loss of federal program delegation.

SECTION 5. This Act takes effect September 1, 1997.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 1 was adopted without objection.

SB 1929, as amended, was passed to third reading.

CSSB 34 ON SECOND READING**(E. Reyna, Goodman, Edwards, Puente, and Delisi - House Sponsors)**

CSSB 34, A bill to be entitled An Act relating to the parent-child relationship, suits affecting the parent-child relationship, and the protection of children.

Amendment No. 1

Representative E. Reyna offered the following amendment to **CSSB 34**:

Amend **CSSB 34** as follows:

In Section 16, page 14, strikes lines 17-19.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative E. Reyna offered the following amendment to **CSSB 34**:

Amend **CSSB 34** as follows:

(1) In SECTION 16 of the bill, in proposed Subchapter E, Chapter 263, Family Code (committee printing, page 15, between lines 15 and 16), insert the following:

Sec. 263.404. COURT INFORMATION SYSTEM. The Office of Court Administration of the Texas Judicial System shall consult with the courts presiding over cases brought by the department for the protection of children to develop an information system to track compliance with the requirements of this subchapter for the timely disposition of those cases.

(2) Strike SECTION 17 of the bill, amended Section 264.009, Family Code (committee printing, page 18, line 8, through page 19, line 9).

(3) Strike SECTION 21 of the bill, proposed Section 72.028, Government Code (committee printing, page 24, line 26, through page 25, line 27).

(4) In SECTION 22 of the bill (committee printing, page 26, line 1), strike "Except as provided by Section 24 of this Act," and substitute "Except as otherwise provided by this Act,".

(5) Strike SECTION 23 of the bill (committee printing, page 26, lines 3-6).

(6) In SECTION 24 of the bill, strike Subsection (c) (committee printing, page 26, lines 13-19), and substitute the following:

(c) If the Department of Protective and Regulatory Services has been appointed temporary managing conservator of a child before January 1, 1998, the court shall at the first hearing conducted on or after that date under Chapter 263, Family Code, establish a date for dismissal of the suit not later than the second anniversary of the date of the hearing, unless the court has rendered a final order before the dismissal date.

(7) Renumber the sections of the bill as appropriate.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Goodman offered the following amendment to **CSSB 34**:

Amend **CSSB 34** as follows:

(1) Insert a new Section 1 to read as follows and renumber the sections of the bill accordingly:

SECTION 1. Subchapter C, Chapter 161, Family Code, is amended by adding Section 161.211 to read as follows:

Sec. 161.211. DIRECT OR COLLATERAL ATTACK ON TERMINATION ORDER. (a) Notwithstanding Rule 329, Texas Rules of Civil Procedure, the validity of an order terminating the parental rights of a person who has been personally served or who has executed an affidavit of relinquishment of parental rights or an affidavit of waiver of interest in a child or whose rights have been terminated under Section 161.002(b) is not subject to collateral or direct attack after the sixth month after the date the order was rendered.

(b) The validity of an order terminating the parental rights of a person who is served by citation by publication is not subject to collateral or direct attack after the sixth month after the date the order was rendered.

(c) A direct or collateral attack on an order terminating parental rights based on an unrevoked affidavit of relinquishment of parental rights or affidavit of waiver of interest in a child is limited to issues relating to fraud, duress, or coercion in the execution of the affidavit.

(2) In SECTION 1 of the bill, in amended Section 162.012(a), Family Code (committee printing, page 1, line 7), strike "The" and substitute "Notwithstanding Rule 329, Texas Rules of Civil Procedure, the [The]".

Amendment No. 3 was adopted without objection.

CSSB 34, as amended, was passed to third reading. (Heflin recorded voting no)

SB 160 ON SECOND READING (West - House Sponsor)

SB 160, A bill to be entitled An Act relating to prosecution of the offense of tampering with or fabricating physical evidence; creating an offense.

SB 160 was passed to third reading.

SB 148 ON SECOND READING (Rangel and Kamel - House Sponsors)

SB 148, A bill to be entitled An Act relating to the recommendation, development, and adoption of certain curricula by certain institutions of higher education and the Texas Higher Education Coordinating Board.

Amendment No. 1

Representative Rangel offered the following amendment to **SB 148**:

Amend **SB 148**, in Section 1 of the bill, as follows:

(1) In proposed Section 61.826(a), Education Code (Committee Report Printing, page 4, lines 14-16), strike "policies that provide for the free transferability of lower division course credit among institutions of higher education, including".

(2) In proposed Section 61.826(a)(1), Education Code (Committee Report Printing, page 4, line 17), strike "the".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Rangel offered the following amendment to **SB 148**:

Amend **SB 148**, in Section 1 of the bill, by adding the following to the end of proposed Subchapter S, Chapter 61, Education Code (Committee Report Printing, page 5, between lines 22 and 23):

Sec. 61.828. CONCURRENTLY ENROLLED STUDENTS. A student concurrently enrolled at more than one institution of higher education shall follow the core curriculum or the field of study curriculum of the institution in which the student is classified as a degree-seeking student.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Rangel offered the following amendment to **SB 148**:

Amend **SB 148**, in Section 1 of the bill, by adding the following to the end of proposed Subchapter S, Chapter 61, Education Code (Committee Report Printing page 5, between lines 22 and 23):

Sec. 61.829. EFFECT ON OTHER POLICIES. This subchapter does not affect the authority of an institution of higher education to adopt its own admission standards in compliance with this title.

Amendment No. 3 was adopted without objection.

SB 148, as amended, was passed to third reading.

CSSB 443 ON SECOND READING
(Naishtat - House Sponsor)

CSSB 443, A bill to be entitled An Act relating to a right to petition a court for an order to seal or destroy records related to certain admissions to a mental health facility; providing a criminal penalty.

Representative Chisum raised a point of order against further consideration of **CSSB 443** under Rule 4, Section 32(b)(10) of the House Rules on the grounds that the minutes and summary of committee action indicate that testimony was taken during the April 9 committee hearing, but the witness list does not list any witnesses for April 9.

The point of order was withdrawn.

Amendment No. 1

Representative Naishtat offered the following amendment to **CSSB 443**:

Amend **CSSB 443** as follows:

- (1) In Section 1 on page 1, line 12, strike "1985" and substitute "1986".
- (2) In Section 1 on page 1, line 23, strike "includes a medical record." and substitute: means a medical record:

(A) that a federal statute or regulation does not require to be retained, maintained, or preserved; or

(B) for which the requirement under a federal statute or regulation to retain, maintain, or preserve the record has expired.

(3) In Section 1 on page 2, line 5 between "facility" and "be" insert "described by Section 144.001(1)(A)".

(4) In Section 1 on page 2, line 19, strike "person except the former mental health patient. If," and substitute:

"person except:

(1) the former mental health patient; or

(2) the health care provider, the mental health facility, or the owner, operator, parent, or affiliate of the mental health facility, after giving notice to the patient.

(d) If,"

(5) In Section 1 on page 3, line 23, between "all" and "index", insert "discovered".

(6) In Section 1 on page 4, line 2, strike "seal or destroy, as appropriate," and substitute "as appropriate and reasonably feasible, seal or destroy".

(7) In Section 1 on page 4, line 10, insert:

The institution of a suit or bringing of a claim by or on behalf of the former mental patient or the former patient's assignee or insurer constitutes good cause."

(8) In Section 1 on page 4, lines 11-13, strike all before Subdivision (1) of the Subsection and substitute:

"Sec. 144.006 COLLATERAL EFFECTS OF ORDER. (a) A former mental health patient who successfully petitions for an order under this chapter and a facility, health care provider, or the owner, operator, parent, or affiliate of a facility or health care provider that is subject to an order under this chapter may deny:"

(9) In Section 1 on page 4, lines 21-23, strike Subsection (b) and substitute:

"(b) A former mental health patient who makes a denial under Subsection (a) or a facility, health care provider, or the owner, operator, parent, or affiliate of a facility or health care provider that is subject to an order under this chapter and that makes a denial under Subsection (a) is not liable for a civil or criminal penalty for perjury."

(10) In Section 1 on page 5, line 1 strike "facility or health care provider" and substitute "facility, health care provider, or the owner, operator, parent, or affiliate of a facility or health care provider."

(11) In Section 1 on page 5, between lines 7 and 8, insert a new Subsection (c) to read:

"(c) A finding made under this chapter is not admissible against any party in litigation to establish liability for damages, expenses, or other relief as an alleged result of any treatment or admission."

(12) In Section 1 on page 5, lines 14-15, strike Subsection (3)(a) and substitute:

"(3) intentionally releases, disseminates, or publishes a record or index reference subject to that order."

(13) In Section 1 on page 5, between lines 23 and 24, insert a new Subsection (d) to read:

"(d) This chapter does not prohibit an attorney or insurer of a provider or patient from retaining or communicating confidentially about a privileged document as necessary to provide legal advice regarding an actual or potential claim or issue. The document or communication remains privileged and not subject to a subpoena."

(14) In Section 2 on page 6, line 3, strike "on or before" and substitute "under Chapter 144, Civil Practice and Remedies Code, as added by this Act, between September 1, 1997, and".

(15) In Section 3 page 6, line 10, strike "a record created before, on, or after that date" and insert "a record created between January 1, 1986, and December 31, 1993, or a subsequently created record that relates directly to a former mental patient's admission to or treatment at a mental health facility between those dates, and to which Chapter 144, Civil Practice and Remedies Code, as added by this Act, applies."

Amendment No. 1 was adopted without objection.

CSSB 443, as amended, was passed to third reading.

SB 349 ON SECOND READING (Goodman - House Sponsor)

SB 349, A bill to be entitled An Act relating to guardians ad litem, attorneys ad litem, and child volunteer advocates in certain suits affecting the parent-child relationship.

Amendment No. 1

Representative Hilbert offered the following amendment to **SB 349**:

Amend **SB 349** as follows:

(1) Add the following appropriately numbered section:

SECTION _____. Subchapter B, Chapter 107, Family Code, is amended by adding Section 107.017 to read as follows:

Sec. 107.017. IMMUNITY. (a) An attorney ad litem appointed under this subchapter is not liable for civil damages arising from a recommendation made or an opinion given in the capacity of attorney ad litem.

(b) Subsection (a) does not apply to a recommendation or opinion that is:

(1) wilfully wrongful;

(2) given with conscious indifference or reckless disregard to the safety of another;

(3) given in bad faith or with malice; or

(4) grossly negligent.

(2) In SECTION 9 of the bill, in amended Section 264.607(a)(3)(A), Family Code (committee printing, page 8, line 21), between "information" and "to", insert "in writing".

(3) In SECTION 9 of the bill, in amended Section 264.607(a)(3)(A), Family Code (committee printing, page 8, line 22), between "court" and "regarding", insert "and to counsel for the parties involved".

(4) In SECTION 9 of the bill, in amended Section 264.607(a)(3)(D), Family Code (committee printing, page 9, line 3), between "reports" and "to", insert "in writing".

(5) Renumber the sections of the bill appropriately.

Amendment No. 1 was adopted without objection.

SB 349, as amended, was passed to third reading.

SB 1752 ON SECOND READING
(Wolens - House Sponsor)

SB 1752, A bill to be entitled An Act relating to the purchase of goods and services by the state and to purchasing services provided by the state to local governments.

Representative Gallego moved to postpone consideration of **SB 1752** until 4 p.m. Sunday, May 25.

The motion prevailed without objection.

SB 1498 ON SECOND READING
(Eiland - House Sponsor)

SB 1498, A bill to be entitled An Act relating to rate filings for certain lines of insurance.

SB 1498 was passed to third reading.

CSSB 211 ON SECOND READING
(Naishtat, Coleman, Maxey, Greenberg, and Dukes - House Sponsors)

CSSB 211, A bill to be entitled An Act relating to the establishment and operation of the Texas child care fund.

Amendment No. 1

Representative Naishtat offered the following amendment to **CSSB 211**:

Amend **CSSB 211** as follows:

(1) In SECTION 2 of the bill, in proposed Section 301.067, Labor Code (House Committee Report, page 3, between lines 18 and 19), insert the following:

(b) Local market rates in a geographic area in which a substantial number of child care service providers charge a rate that is less than the actual cost of providing service in that area may be adjusted to reflect the actual cost of providing service.

(2) In SECTION 2 of the bill, in proposed Section 301.067(b), Labor Code (House Committee Report, page 3, line 19), strike "(b)" and substitute "(c)".

(3) In SECTION 2 of the bill, in proposed Section 301.067(b), Labor Code (House Committee Report, page 3, line 23), between "rate" and "in", insert ", as adjusted under Subsection (b) if appropriate,".

(4) In SECTION 3 of the bill (House Committee Report, page 3, line 25), strike "Section 301.067(b)" and substitute "Section 301.067(c)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Coleman offered the following amendment to **CSSB 211**:

Amend **CSSB 211** by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill accordingly:

SECTIONS _____. Subchapter D, Chapter 301, Labor Code, is amended by adding Section 301.068 to read as follows:

Sec. 301.068. CHILD CARE ADMINISTRATION. (a) The commission, or a local workforce development board that accepts child care funds from the commission, shall contract with government organizations, public nonprofit agencies, or community-based organizations, as defined by 20 U.S.C. Section 1201a and its subsequent amendments, to administer the subsidized child care program through the existing uniform statewide brokered system.

(b) An entity with whom the commission or a board contracts must demonstrate:

(1) a variety of social service experiences with the local client population; and

(2) experience in a federal and state funded system of child-care vendor management in this state, child development, support services, and financial management.

(c) Not later than November 15, 1998, the commission shall submit a comprehensive report on local child care administration to the governor, lieutenant governor, and the speaker of the house of representatives. The report shall include information on:

(1) the performance of each child care administration contractor;

(2) the success in each local workforce development area of integrating child care services into the workforce development system; and

(3) the readiness of each local workforce development board to procure contracts for child care administration.

(d) This section expires September 1, 1999.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representatives Greenberg and Raymond offered the following amendment to **CSSB 211**:

Amend **CSSB 211** by adding the following appropriately numbered sections and renumbering the existing sections of the bill accordingly:

SECTION _____. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.026 to read as follows:

Sec. 403.026. CHILD-CARE GUIDE: INTERAGENCY WORK GROUP.

(a) The comptroller shall develop and periodically update a statewide guide for child care designed to assist child-care consumers in making informed choices regarding available child-care services and to provide useful information regarding the child-care industry to child-care service providers. The guide must:

(1) contain comprehensive and current information on:

(A) child care services, including consumer information on staff-child ratios, group sizes, level of training of staff and management, hours of availability, price information, and other relevant consumer information;

(B) early childhood development and factors to consider in making informed child-care choices;

(C) child care for children with disabilities;
(D) training opportunities in the child-care profession;
(E) child-care financing options;
(F) technical assistance for child-care service providers; and
(G) other relevant topics that will assist a child-care consumer
in making informed child-care choices as determined by the comptroller and
the interagency work group created under Subsection (b); and

(2) enable a child-care consumer to identify and assess each option
available for meeting a child-care consumer's individual needs.

(b) An interagency work group is created to assist the comptroller in
developing and updating the guide. The work group is composed of
representatives of:

(1) the comptroller's office, appointed by the comptroller;

(2) the Texas Workforce Commission, appointed by the executive
director of that agency;

(3) the Texas Department of Human Services, appointed by the
commissioner of human services;

(4) the Department of Protective and Regulatory Services, appointed
by the executive director of that agency;

(5) businesses and business organizations, appointed by the
comptroller;

(6) resource and referral agencies, appointed by the comptroller;

(7) nonprofit organizations, appointed by the comptroller;

(8) child-care consumers, appointed by the comptroller;

(9) child-care providers, appointed by the comptroller; and

(10) agencies or organizations that contract with the Texas Workforce
Commission or a local workforce development board for the management of
child care services, appointed by the Texas Workforce Commission.

(c) A member of the work group serves at the will of the appointing
agency.

(d) The comptroller shall appoint a member of the work group to serve
as presiding officer, and members of the work group shall elect any other
necessary officers.

(e) The work group shall meet at the call of the presiding officer.

(f) The appointing entity is responsible for the expenses of a member's
service on the work group. A member of the work group receives no additional
compensation for serving on the work group.

(g) The work group is not subject to Article 6252-33, Revised Statutes.

(h) The entities listed in Subsection (b) shall take all action necessary to
assist the comptroller in developing and updating the guide, including providing
staff with expertise in information and referral services and other necessary
resources, but may not diminish services required to be provided by other law.

(i) The comptroller shall make the guide available to the public in
electronic format and through the Internet.

SECTION _____. Not later than January 1, 1998, the comptroller of public
accounts shall complete development of the child-care guide required by Section
403.026, Government Code, as added by this Act, and make the guide available
in the manner required by that section.

Amendment No. 3 was adopted without objection.

SB 211, as amended, was passed to third reading. (Heflin and Howard recorded voting no)

SB 572 ON SECOND READING
(Hupp and Place - House Sponsors)

SB 572, A bill to be entitled An Act relating to the transfer of the University of Central Texas to The Texas A&M University System.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Solis, Representative Hupp offered the following committee amendment to **SB 572**:

Amend **SB 572** (engrossed printing) as follows:

(1) In Section 1, on page 1, lines 12 and 16, strike "1997" and substitute "1998".

(2) In Section 8, on page 4, line 10, strike "1997" and substitute "1998".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Solis, Representative Hupp offered the following committee amendment to **SB 572**:

Amend **SB 572** (engrossed printing) as follows:

(1) In Section 1, on page 1, line 8, immediately after "is transferred to the board of regents of The Texas A&M University System", insert "or of another university system as defined by Section 61.003, Education Code,".

(2) In Section 1, on page 1, lines 10 and 13, immediately after "The Texas A&M University System", insert "or other university system".

(3) In Section 2(a), on page 1, line 21, immediately after "The Texas A&M University System," insert "or other university system to which the university is transferred under Section 1 of this Act".

(4) In Section 2(a), on page 2, line 4, immediately after "The Texas A&M University System," insert "or other university system".

(5) In Section 2(c), on page 2, line 15, immediately after "The Texas A&M University System," insert "or other university system to which the university is transferred under Section 1 of this Act".

(6) In Section 2(c), on page 2, line 16, immediately after "The Texas A&M University System," insert "or other university system".

(7) In Section 3, on page 2, line 24, immediately after "The Texas A&M University System," insert "or other university system to which the university is transferred under Section 1 of this Act".

(8) In Section 3, on page 3, line 2, immediately after "The Texas A&M University System," insert "or other university system".

(9) In Section 4, on page 3, line 9, in Section 5, on page 3, line 17, in Section 6, on page 3, line 22, and in Section 7, on page 4, line 3, immediately after "The Texas A&M University System," insert "or other university system to which the university is transferred under Section 1 of this Act".

(10) In Section 8, on page 4, line 10, immediately after "takes effect", insert "and the transfer is made to The Texas A&M University System".

(11) On page 5, immediately after Section 8 of the bill, on page 5, between lines 19 and 20, add a new section appropriately numbered to read as follows and renumber the other sections of the bill accordingly:

SECTION _____. AMENDMENT. If the transfer authorized by Section 1 of this Act takes effect and that transfer is made to a university system other than The Texas A&M University System, effective September 1, 1997, Title 3, Education Code, is amended by adding Chapter 115 to read as follows:

CHAPTER 115. PUBLIC UNIVERSITY FOR CENTRAL TEXAS

Sec. 115.001. PUBLIC UNIVERSITY FOR CENTRAL TEXAS. (a) The Public University for Central Texas is a coeducational upper-level educational institution located in the city of Killeen. The institution is a component institution of higher education of the university system to which that institution was transferred pursuant to an Act of the 75th Legislature, Regular Session, 1997, and is under the management and control of the board of regents of that university system.

(b) The board of regents has the same powers and duties concerning the Public University for Central Texas as are conferred on the board by law concerning other component institutions of the university system.

(c) The institution may accept only junior, senior, and graduate-level students.

Sec. 115.002. POWERS OF BOARD OF REGENTS. (a) The board may:

(1) prescribe courses leading to degrees customarily offered in leading American upper-level educational institutions;

(2) award the degrees described by Subdivision (1);

(3) enter into an affiliation or coordination agreement with an entity if reasonably necessary or desirable for the operation of a first-class upper-level educational institution;

(4) make joint appointments in the Public University for Central Texas and another institution within the same university system; and

(5) adopt rules for the operation, control, and management of the institution as necessary for the operation of a first-class upper-level educational institution, including rules governing the number of students who may be admitted to any program at the institution.

(b) The salary of a person who receives joint appointment under Subsection (a)(4) must be apportioned among the institutions to which the individual is appointed on the basis of the services rendered.

Amendment No. 3

Representative Hupp offered the following amendment to Amendment No. 2:

Amend Committee Amendment No. 2 to **SB 572**, on page 9, line 1, House Committee Report, by striking "1997" and substituting "1998".

Amendment No. 3 was adopted without objection.

Amendment No. 2, as amended, was adopted without objection.

SB 572, as amended, was passed to third reading. (Heflin and Howard recorded voting no)

SB 265 ON SECOND READING
(Giddings - House Sponsor)

SB 265, A bill to be entitled An Act relating to the linked deposit program.

SB 265 was passed to third reading.

POSTPONED BUSINESS

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

SB 1810 ON SECOND READING
(Dukes - House Sponsor)

SB 1810, A bill to be entitled An Act relating to the creation, operation, and funding of the Texas Youthworks Program.

SB 1810 was read second time earlier today and was postponed until 8:30 p.m. today.

Representative Chisum raised a point of order against further consideration of **SB 1810** under Rule 4, Section 32(b)(10) of the House Rules on the grounds that no witness list was attached to the committee report.

The point of order was withdrawn.

Amendment No. 1

Representative Grusendorf offered the following amendment to **SB 1810**:

Amend **SB 1810**, House Committee Report, as follows:

- (1) On page 1, line 23, strike "employ" and substitute "designate".
- (2) On page 2, line 4, strike "appropriations from the legislature and other".
- (3) On page 3, strike lines 3 through 5.
- (4) On page 9, line 26, insert "better use of federal" between "for and "funding".

Amendment No. 1 was adopted without objection.

SB 1810, as amended, was passed to third reading. (Howard recorded voting no)

COMMITTEE GRANTED PERMISSION TO MEET

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

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 9:15 p.m. today.

SB 665 ON SECOND READING
(Horn - House Sponsor)

SB 665, A bill to be entitled An Act relating to the sale and delivery of certain motor fuel; providing criminal, administrative, and civil penalties.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hawley, Representative Horn offered the following committee amendment to **SB 665**:

Amend **SB 665** as follows:

(1) On page 7, between lines 9 and 10, add a new Sec. 7A to read as follows:

"Sec. 7A. ADMINISTRATIVE PENALTY. (a) The commissioner of agriculture may impose an administrative penalty against a person licensed or regulated under this Act who violates this Act or a rule or order adopted under this Act.

(b) The penalty for a violation may be in an amount not to exceed \$500. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(c) The amount of the penalty shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited acts, and the hazard or potential hazard created to the health, safety, or economic welfare of the public;

(2) the economic harm to property or the environment caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter future violations;

(5) efforts to correct the violation; and

(6) any other matter that justice may require.

(d) An employee of the Department of Agriculture designated by the commissioner to act under this section who determines that a violation has occurred may issue to the commissioner of agriculture a report that states the facts on which the determination is based and the designated employee's recommendation on the imposition of a penalty, including a recommendation on the amount of the penalty.

(e) Within 14 days after the date the report is issued, the designated employee shall give written notice of the report to the person. The notice may be given by certified mail. The notice must include a brief summary of the alleged violation and a statement of the amount of the recommended penalty and must inform the person that the person has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(f) Within 20 days after the date the person receives the notice, the person in writing may accept the determination and recommended penalty of the designated employee or may make a written request for a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(g) If the person accepts the determination and recommended penalty of the designated employee, the commissioner of agriculture by order shall approve the determination and impose the recommended penalty.

(h) If the person requests a hearing or fails to respond timely to the notice, the designated employee shall set a hearing and give notice of the hearing to the person. The hearing shall be held by an administrative law judge of the State Office of Administrative Hearings. The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the

commissioner of agriculture a proposal for a decision about the occurrence of the violation and the amount of a proposed penalty. Based on the findings of fact, conclusions of law, and proposal for a decision, the commissioner of agriculture by order may find that a violation has occurred and impose a penalty or may find that no violation occurred.

(i) The notice of the commissioner of agriculture's order given to the person under Chapter 2001, Government Code, must include a statement of the right of the person to judicial review of the order.

(j) Within 30 days after the date the commissioner of agriculture's order becomes final as provided by Section 2001.144, Government Code, the person shall:

(1) pay the amount of the penalty;

(2) pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty; or

(3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(k) Within the 30-day period, a person who acts under Subsection (j)(3) of this section may:

(1) stay enforcement of the penalty by:

(A) paying the amount of the penalty to the court for placement in an escrow account; or

(B) giving to the court a supersedeas bond that is approved by the court for the amount of the penalty and that is effective until all judicial review of the commissioner of agriculture's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the amount of the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the designated employee by certified mail.

(l) A designated employee who receives a copy of an affidavit under Subsection (k)(2) of this section may file with the court, within five days after the date the copy is received, a contest to the affidavit. The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the amount of the penalty and to give a supersedeas bond.

(m) If the person does not pay the amount of the penalty and the enforcement of the penalty is not stayed, the designated employee may refer the matter to the attorney general for collection of the amount of the penalty.

(n) Judicial review of the order of the commissioner of agriculture:

(1) is instituted by filing a petition as provided by Subchapter G, Chapter 2001, Government Code; and

(2) is under the substantial evidence rule.

(o) If the court sustains the occurrence of the violation, the court may

uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty. If the court does not sustain the occurrence of the violation, the court shall order that no penalty is owed.

(p) When the judgment of the court becomes final, the court shall proceed under this subsection. If the person paid the amount of the penalty and if that amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the person. The rate of the interest is the rate charged on loans to depository institutions by the New York Federal Reserve Bank, and the interest shall be paid for the period beginning on the date the penalty was paid and ending on the date the penalty is remitted. If the person gave a supersedeas bond and if the amount of the penalty is not upheld by the court, the court shall order the release of the bond. If the person gave a supersedeas bond and if the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the amount.

(q) A penalty collected under this section shall be remitted to the comptroller for deposit in the general revenue fund.

(r) All proceedings under this section are subject to Chapter 2001, Government Code, except as provided by Subsections (s) and (t).

(s) Notwithstanding Section 2001.058, Government Code, the commissioner of agriculture may change a finding of fact or conclusion of law made by the administrative law judge if the commissioner of agriculture:

(1) determines that the administrative law judge:

(A) did not properly apply or interpret applicable law, department rules or policies, or prior administrative decisions; or

(B) issued a finding of fact that is not supported by a preponderance of the evidence; or

(2) determines that a department policy or a prior administrative decision on which the administrative law judge relied is incorrect or should be changed.

(t) The commissioner of agriculture shall state in writing the specific reason and legal basis for a determination under Subsection (s)."

(2) Delete SECTION 13 in its entirety and renumber sections accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Pitts offered the following amendment to **SB 665**:

Amend **SB 665** by adding appropriately numbered SECTIONS to read as follows and by renumbering existing SECTIONS of the bill accordingly:

SECTION __. Section 32.45(a)(1), Penal Code, is amended to read as follows:

(1) "Fiduciary" includes:

(A) trustee, guardian, administrator, executor, conservator, and receiver;

(B) any other person acting in a fiduciary capacity, but not a commercial bailee unless the commercial bailee is a party in a motor fuel sales agreement with a distributor or supplier, as those terms are defined by Section 153.001, Tax Code; and

(C) an officer, manager, employee, or agent carrying on fiduciary functions on behalf of a fiduciary.

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

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

Amendment No. 2 was adopted without objection.

SB 665, as amended, was passed to third reading.

SB 780 ON SECOND READING
(Hernandez - House Sponsor)

SB 780, A bill to be entitled An Act relating to the use of personal leave by school district employees.

SB 780 was passed to third reading.

SB 520 ON SECOND READING
(Sadler - House Sponsor)

SB 520, A bill to be entitled An Act relating to eligibility to serve as a public member of the State Board for Educator Certification.

Amendment No. 1

Representative Grusendorf offered the following amendment to **SB 520**:

Amend **SB 520** as follows:

1. On page 1, line 19, strike "who" and substitute "three of whom".
2. On page 1, line 22, after "education" and before the period, insert the following: "and two of whom are not and have not been employed by a public school district or by an educator preparation program in an institution of higher education".

Amendment No. 1 was adopted without objection.

SB 520, as amended, was passed to third reading.

CSSB 434 ON SECOND READING
(Berlanga - House Sponsor)

CSSB 434, A bill to be entitled An Act relating to the provision and coordination of certain mental health services provided in certain facilities.

CSSB 434 was passed to third reading.

SB 1838 ON SECOND READING
(Brimer - House Sponsor)

SB 1838, A bill to be entitled An Act relating to fees charged for records filed with and maintained by the secretary of state.

SB 1838 was passed to third reading.

CSSB 1102 ON SECOND READING
(Telford, et al. - House Sponsors)

CSSB 1102, A bill to be entitled An Act relating to systems and programs administered by the Employees Retirement System of Texas.

Amendment No. 1

Representative Telford offered the following amendment to **CSSB 1102**:

Amend **CSSB 1102** as follows:

Delete SECTION 56 and renumber the remaining sections accordingly.

Amendment No. 1 was adopted without objection.

CSSB 1102, as amended, was passed to third reading. (Marchant, Shields, and Talton recorded voting no)

SB 382 ON SECOND READING
**(Smithee, Van de Putte, Berlanga, Janek,
Naishtat, et al. - House Sponsors)**

SB 382, A bill to be entitled An Act relating to the regulation of health maintenance organizations.

Amendment No. 1 (Committee Amendment No. 1)

Representative G. Lewis offered the following committee amendment to **SB 382**:

1. Amend **SB 382**, page 1, line 12 by striking after the word "injury" and before the word "or" the commas and the words "a limited health care service plan".

2. Amend **SB 382**, page 1, line 15, by striking after the word "plan" the comma and the words "a limited health care".

Amend **SB 382**, page 1, line 16 by striking before the word "or" the words "service plan".

3. Amend **SB 382**, page 1, by striking lines 18 through 23.

Amend **SB 382**, page 2, by striking lines 1 through 16 and relettering accordingly.

4. Amend **SB 382**, page 8, line 1, by striking the bracketed and struck word "[and]" and inserting the word "and".

Amend **SB 382**, page 8, by striking lines 2 through 4.

5. Amend **SB 382**, page 9, line 1, by striking after the word "plan" the comma and the words "limited health care".

Amend **SB 382**, page 9, line 2, by striking before the word "or" the comma and the words "service plan".

Amend **SB 382**, page 9, line 5, by striking after the first three words "health care services" the commas and words ", limited health care services,".

6. Amend **SB 382**, page 11, line 9, by striking the words "limited health care services,".

Amend **SB 382**, page 11, line 11 by striking after the word "plan" the comma and words "limited health care service".

Amend **SB 382**, page 11, line 12, by striking before the word "or" the comma and word "plan".

7. Amend **SB 382**, page 12, line 21, by striking after the word "services" the comma and the words "75,000 for an organization offering limited".

Amend **SB 382**, page 12, line 22, by striking before the word "and" the comma and the words "health care services".

8. Amend **SB 382**, page 16, line 13, by striking after the word "liabilities" the comma and the words "a health maintenance organization".

Amend **SB 382**, page 16, by striking lines 14 and 15.

Amend **SB 382**, page 16, line 16, by striking in front of the word "health" the words "liabilities, and a [.—Each]" and inserting a period and the word "Each".

9. Amend **SB 382**, page 17, by striking lines 15 through 25 and by adding a new subsection and relettering accordingly. The new subsection will read as follows:

~~[(k) Notwithstanding any other provision of this article, a health maintenance organization authorized to offer only a single health care service plan authorized to operate on September 1, 1987, and having a surplus of less than \$125,000 shall be as follows:]~~

~~[(1) \$50,000 by December 31, 1987;]~~

~~[(2) \$62,500 by December 31, 1988;]~~

~~[(3) \$75,000 by December 31, 1989;]~~

~~[(4) \$87,500 by December 31, 1990;]~~

~~[(5) \$100,000 by December 31, 1991;]~~

~~[(6) \$112,500 by December 31, 1992; and]~~

~~[(7) \$125,000 by December 31, 1993;]~~

10. Amend **SB 382**, page 19, line 23, by striking after the word "basic" and before the word "and" the commas and word "limited" and by striking at the end of line 7 after the word "basic" the comma.

Amend **SB 382**, page 19, line 24, by striking before the words "and single" the commas and word "limited".

11. Amend **SB 382**, page 21, line 22, by striking after the word "services," the comma and the words "the limited health care service".

Amend **SB 382**, page 21, by striking line 23.

Amend **SB 382**, page 21, line 24 by striking before the word "or" the comma and the word "services".

12. Amend **SB 382**, page 22, line 6, by striking after the word "plan" the comma and the words "to furnish the limited health".

Amend **SB 382**, page 22, by striking line 7.

Amend **SB 382**, page 22, line 8, by striking before the word "or" the comma and the word "plan".

13. Amend **SB 382**, page 23, line 12, by striking after the word "basic" the comma and the words "limited, or single".

14. Amend **SB 382**, page 27, line 6, by striking after the words "basic health care plans" the commas and the words "limited health care service plans".

15. Amend **SB 382**, page 28, line 6, by striking after the letter "a" the words "limited health".

Amend **SB 382**, page 28, by striking line 7.

Amend **SB 382**, page 28, line 8, by striking in front of the word "single" the words "exists at the time of appointment, and one shall be a".

Representative G. Lewis moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2 (Committee Amendment No. 2)

Representative G. Lewis offered the following committee amendment to **SB 382**:

16. Amend **SB 382**, page 2, line 17, by adding a new (m) to read as follows and reletter accordingly:

(m) "Long term care services" means medical, nursing, and other health care related services including personal care provided by one or more persons licensed or, in the case of personal care, authorized by the state to provide such services.

17. Amend **SB 382** page 5, line 9, by adding, after the period, the following:

"Single health care service plan" includes the provision of long term care services.

Representative G. Lewis moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative Averitt offered the following amendment to **SB 382**:

Amend **SB 382** on page 1, line 18 through page 2, line 9, by striking subsection (k) in its entirety and substituting the following:

"(k) 'Limited health care services' means:

(1) mental health, chemical dependency, or mental retardation, or any combination of mental health, chemical dependency, or mental retardation; or

(2) an organized long-term care service delivery system which provides for diagnostic, preventive, therapeutic, rehabilitative, and personal care services required by an individual with a loss in functional capacity on a long-term basis."

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Gallego offered the following amendment to **SB 382**:

Amend **SB 382** as follows:

(1) Add a new section, appropriately numbered, to read as follows:

SECTION _____. The Texas Health Maintenance Organization Act (Article 20A.01 et seq., Vernon's Texas Insurance Code) is amended by adding Section 9A to read as follows:

Sec. 9A. ENROLLEE WITH TERMINAL CONDITION.

(a) Notwithstanding any other provision of this Act, if an enrollee is receiving services under a health care plan from a physician or provider for a terminal condition, and the agreement between the health maintenance organization and the physician or provider under which the services are provided is terminated, the enrollee may continue to receive services for which benefits are provided under the plan from the physician or provider.

(b) The health maintenance organization shall reimburse the physician or provider for services provided under this section at the usual and customary rate or at an agreed rate.

(c) The commissioner, by rule, may define a condition that is a terminal condition for purposes of this section.

(d) This section does not apply if the agreement with the physician or provider is terminated for a reason related to the medical competence or professional behavior of the physician or provider.

(2) In the transition material in the bill, add a new section, appropriately numbered, to read as follows:

SECTION _____. Section 9A, Texas Health Maintenance Organization Act (Article 20A.09A, Vernon's Texas Insurance Code), as added by this Act, applies only to an evidence of coverage that is delivered, issued for delivery, or renewed on or after January 1, 1998. An evidence of coverage that is delivered, issued for delivery, or renewed before January 1, 1998, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for this purpose.

(3) Renumber subsequent sections of the bill appropriately.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Coleman offered the following amendment to **SB 382**:

Amend **SB 382**, House 1st Printing, on page 2, by striking lines 20 through 24 and substituting the following:

(n) [H] "Person" means any natural or artificial person, including, but not limited to, individuals, partnerships, associations, organizations, trusts, hospital districts, community mental health, mental retardation, or mental health and mental retardation centers, limited liability companies, limited liability partnerships, or corporations.

Amendment No. 5 was adopted without objection.

SB 382, as amended, was passed to third reading.

CSSB 383 ON SECOND READING (Smithee, Van de Putte, Berlanga, Janek, Naishtat, et al. - House Sponsors)

CSSB 383, A bill to be entitled An Act relating to the regulation of preferred provider benefit plans.

Amendment No. 1

Representative Van de Putte offered the following amendment to **CSSB 383**:

Amend **CSSB 383** as follows:

(1) In SECTION 1 of the bill, in Section 7(e)(2)(B), Article 3.70-3C, Insurance Code (page 15, line 10, Corrected House Committee Report Printing), strike "or".

(2) In SECTION 1 of the bill, in Section 7(e)(2)(B), Article 3.70-3C, Insurance Code (page 15, line 15, Corrected House Committee Report Printing), strike "outpatient visits," and substitute "outpatient visits; or".

(3) In SECTION 1 of the bill, in Section 7(e), Article 3.70-3C, Insurance Code (page 15, between lines 15 and 16, Corrected House Committee Report Printing), insert a new Subdivision (3) to read as follows:

"(3) deny benefits for mental health therapy on the grounds that the therapy is provided in a group session with family members or other individuals."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Pickett offered the following amendment to **CSSB 383**:

Amend **CSSB 383** in Section 7, Article 3.70-3C, Insurance Code, as added by SECTION 1 of the bill (page 15, between lines 15 and 16, House Committee Printing), by inserting Subsection (f) to read as follows:

(f) An insurer or preferred provider that uses a drug formulary in providing a prescription drug benefit shall provide the benefit to an insured for a drug not included in the formulary if:

(1) the drug not included in the formulary is in a class of drugs covered under the prescription drug benefit;

(2) a physician treating the insured under the preferred provider benefit plan determines that prescription of the drug not included in the formulary, rather than a drug included in the formulary, is in the best interest of the insured; and

(3) the enrollee pays the difference between the costs of the drugs, if the drug that is not included in the formulary is more expensive than the drug that is include in the formulary.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Burnam offered the following amendment to **CSSB 383**:

Amend **CSSB 383** on page 13, line 7, between "to" and "and", insert ", allows accurate comparisons to other plans.".

Amendment No. 3 was adopted without objection.

CSSB 383, as amended, was passed to third reading.

CSSB 384 ON SECOND READING

(Smithee, Van de Putte, Berlanga,

Naishtat, Janek, et al. - House Sponsors)

CSSB 384, A bill to be entitled An Act relating to utilization review under health benefit plans and health insurance policies.

Amendment No. 1

Representative Smithee offered the following amendment to **CSSB 384**:

Amend **CSSB 384**, page 1, by striking line 16 and placing the period after the word "necessary".

Remove the words pertaining to rationing of health care— "or is appropriate in the allocation of health care resources."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Van de Putte offered the following amendment to **CSSB 384**:

Amend SECTION 5 of the Committee Substitute for **CSSB 384** on page ____, line ____, by striking Section 6(b)(4) and substituting the following:

"(4) in addition to the written appeal, an expedited appeal procedure for emergency care denials, denials of care for life threatening conditions, and denials of continued stays for hospitalized patients that shall include a review by a health care provider who has not previously reviewed the case and who is of the same or similar speciality as a health care provider who typically manages the medical condition, procedure, or treatment under review completed in a period based on the medical or dental immediacy of the condition, procedure, or treatment, not to exceed one working day from the date all information necessary to complete the appeal is received, but may in no event exceed seven working days from the date following the day on which the appeal is received:".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Van de Putte offered the following amendment to **CSSB 384**:

Amend **CSSB 384** as follows:

(1) Add the following appropriately numbered section to the bill and renumber existing sections of the bill appropriately:

SECTION __. Section 14(b)(2), Article 21.58A, Insurance Code, is amended to read as follows:

(2) Except as provided by Subsection (g) of this section, this [This] article shall not apply to the Texas Medicaid Program, the chronically ill and disabled children's services program created pursuant to Chapter 35, Health and Safety Code, any program administered under Title 2, Human Resources Code, any program of the Texas Department of Mental Health and Mental Retardation, or any program of the Texas Department of Criminal Justice.

(2) In SECTION 10 of the bill, in the first sentence of Subsection (g), Section 14, Article 21.58A, Insurance Code, as amended, between "organization" and "is" (page 17, line 10, House Committee Printing), insert ", including a health maintenance organization that contracts with the Health and Human Services Commission or an agency operating part of the state Medicaid managed care program to provide health care services to recipients of medical assistance under Chapter 32, Human Resources Code,".

Amendment No. 3 was adopted without objection.

CSSB 384, as amended, was passed to third reading.

HR 1091 - ADOPTED
(by Chavez)

Representative Chavez moved to suspend all necessary rules to take up and consider at this time **HR 1091**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1091, Commending the Texas Recreation & Parks Account program.

HR 1091 was adopted without objection.

**HR 1054 - ADOPTED
(by Price)**

Representative Eiland moved to suspend all necessary rules to take up and consider at this time **HR 1054**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

HR 1054, In memory of Willie C. Sennette, Jr.

HR 1054 was unanimously adopted by a rising vote.

REPORT OF TOBACCO STUDY ORDERED PRINTED

Representative Clark moved to print the tobacco study report on **SB 55**.

The motion prevailed without objection.

STATEMENTS OF VOTE

When Record Nos. 508, 509, 510, 511, 512, 513, and 535 were taken, I was absent because of important business in the district. Had I been present, I would have voted yes.

Christian

When Record Nos. 508, 509, 510, 511, 512, and 513 were taken, I was temporarily out of the house chamber. I would have voted yes.

Clark

ADJOURNMENT

Representative Flores moved that the house adjourn until 1:00 p.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 9:10 p.m., adjourned until 1:00 p.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

HR 1009 (by Oliveira), In memory of Tomas Guajardo.
To Rules & Resolutions.

HR 1053 (by Raymond), Honoring Lucien and Maxine Flournoy for their many years of service to the community.

To Rules & Resolutions.

HR 1055 (by Pitts), In memory of the Reverend Robert W. Richmond.

To Rules & Resolutions.

HR 1056 (by McClendon), Directing DPS to study the implementation of a statewide COP program.

To Public Safety.

HR 1057 (by McClendon), Directing the Texas Department of Health to study the state's implementation of the requirements under federal EPCRA law.

To Public Health.

HR 1065 (by Madden), Recognizing June 5, 1997, as Girl Scout Gold Award Day in Texas and honoring the recipients of this prestigious honor.

To Rules & Resolutions.

HR 1072 (by Kubiak), Commemorating the 110th anniversary of Mount Zion Baptist Church in Lyons.

To Rules & Resolutions.

HR 1074 (by Hunter), Congratulating Oran Egger on his retirement.

To Rules & Resolutions.

HR 1075 (by Pitts), Congratulating Evelyn Duffy Pitts on the occasion of her graduation from Southern Methodist University.

To Rules & Resolutions.

HR 1076 (by Cuellar), Encouraging state agencies to evaluate touchscreen kiosks for service delivery.

To State Affairs.

HR 1077 (by McClendon), Congratulating Cherice Cochrane on receiving the Girl Scout Gold Award.

To Rules & Resolutions.

HR 1078 (by McClendon), Congratulating Danielle Robinson on receiving the Girl Scout Gold Award.

To Rules & Resolutions.

HR 1079 (by McClendon), Congratulating Lindsey Keys on receiving the Girl Scout Gold Award.

To Rules & Resolutions.

HR 1080 (by McClendon), Congratulating Janelle Gale on receiving the Girl Scout Gold Award.

To Rules & Resolutions.

HR 1081 (by McClendon), In memory of Mahulda Williams.

To Rules & Resolutions.

HR 1082 (by Wohlgemuth), Congratulating the Meridian High School boys' golf team on winning the 1997 Class 1-A state championship.

To Rules & Resolutions.

SCR 106 to Rules & Resolutions.

SCR 107 to Rules & Resolutions.

SCR 108 to Rules & Resolutions.

SIGNED BY THE SPEAKER

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

House List No. 64

HB 66, HB 92, HB 110, HB 219, HB 254, HB 308, HB 312, HB 325, HB 332, HB 479, HB 561, HB 784, HB 1012, HB 1039, HB 1243, HB 1333, HB 1484, HB 1498, HB 1534, HB 1595, HB 1640, HB 1708, HB 1759, HB 1870, HB 1881, HB 1914, HB 1968, HB 1974, HB 2145, HB 2156, HB 2192, HB 2328, HB 2389, HB 2396, HB 2448, HB 2451, HB 2522, HB 2526, HB 2531, HB 2563, HB 2596, HB 2673, HB 2685, HB 2688, HB 2689, HB 2692, HB 2693, HB 2768, HB 2776, HB 2829, HB 2880, HB 2920, HB 3101, HB 3112, HB 3125, HB 3202, HB 3233, HB 3246, HB 3314, HB 3329, HB 3372, HB 3380, HB 3541, HB 3542, HB 3549, HB 3581, HB 3590, HCR 44, HCR 137, HCR 145, HCR 189, HCR 243, HCR 276

Senate List No. 33

SB 81, SB 89, SB 168, SB 197, SB 271, SB 395, SB 506, SB 551, SB 745, SB 910, SB 1262, SB 1286, SB 1460, SB 1702, SB 1739, SB 1793, SB 1930, SCR 99, SCR 105, SJR 39

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
Saturday, May 24, 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 623 Hernandez SPONSOR: Luna
Relating to certification of public school educators.
(AMENDED)

HB 827 Turner, Bob SPONSOR: Patterson
Relating to hunting and fishing licenses for certain disabled veterans.

HB 864 McCall SPONSOR: Patterson
Relating to coverage under group health benefit plans for certain students.

HB 1928 McClendon SPONSOR: West
Relating to the operation of juvenile pre-adjudication and post-adjudication secure detention and correctional facilities.

HB 2065 King SPONSOR: Wentworth
Relating to the statistical recording of juvenile cases initially referred to the office of the prosecuting attorney.
(AMENDED)

HB 2592 Tillery SPONSOR: West
Relating to disposition of stolen property.
(COMMITTEE SUBSTITUTE)

HB 3189 Kuempel SPONSOR: Armbrister
Relating to the authority of the Parks and Wildlife Department to issue revenue bonds.

HCR 254 Lewis, Glenn SPONSOR: Moncrief
Recognizing the Very Special Arts-Texas program.

HCR 274 Lewis, Glenn SPONSOR: Moncrief
Recognizing the Tarrant County Employment Network for its service to the citizens of Tarrant County.

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

SB 172 (viva-voce vote)

SB 274 (30 YEAS, 0 NAYS)

SB 298 (viva-voce vote)

SB 305 (viva-voce vote)

SB 617 (viva-voce vote)

SB 681 (viva-voce vote)

SB 694 (viva-voce vote)

SB 1591 (viva-voce vote)

SB 1824 (viva-voce vote)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 370
Senate Conferees: Armbrister - Chair/Cain/Ogden/Shapiro/Sibley/

SB 381
Senate Conferees: Shapiro - Chair/Duncan/Harris/Nelson/Whitmire/

SB 823

Senate Conferees: Cain - Chair/Carona/Gallegos/Lucio/Whitmire/

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

HB 966

Senate Conferees: Barrientos - Chair/Fraser/Gallegos/Nelson/Truan/

HB 1548

Senate Conferees: Galloway, Michael - Chair/Gallegos/Haywood/Lindsay/Ogden/

HB 2846

Senate Conferees: Madla - Chair/Carona/Gallegos/Moncrief/Nixon, Drew/

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1880 (30 YEAS, 0 NAYS)

SB 606 (30 YEAS, 0 NAYS)

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Saturday, May 24, 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 328 Kamel SPONSOR: Brown

Relating to an exemption to the licensing requirements for irrigators.
(AMENDED)

HB 921 Danburg SPONSOR: Shapiro

Relating to the statute of limitations for certain sexual offenses committed against children.

HB 1301 Allen SPONSOR: Whitmire

Relating to the oversight of the private sector prison industries program.
(AMENDED)

HB 1811 Hunter SPONSOR: Shapiro
Relating to the Texas State Library and Archives Commission and the creation of the Texas Historical Records Advisory Board.

HB 1812 Hunter SPONSOR: Shapiro
Relating to the Texas State Library and Archives Commission and the preservation, management, and disposition of state records and other historical resources.

HB 2283 Farrar SPONSOR: Shapiro
Relating to the creation of an offense prohibiting sexual activity between certain public servants and persons in custody.

HB 2324 Allen SPONSOR: Wentworth
Relating to the organization and operation of certain prison industries in the Texas Department of Criminal Justice, the Texas Youth Commission, and certain county correctional facilities and to agricultural programs and work programs of the Texas Department of Criminal Justice; providing a penalty.
(AMENDED)

HB 2577 Hill SPONSOR: Lucio, Jr.
Relating to the Texas Department of Housing and Community Affairs and to low income and affordable housing.
(AMENDED)

HB 3207 Wolens SPONSOR: Armbrister
Relating to the regulation of political contributions and expenditures and political advertising, the registration of lobbyists, personal financial disclosure by certain holders of and candidates for public office, restrictions on certain representation before a state agency by a member of the legislature, and the publication of summaries of opinions of the Texas Ethics Commission; providing a civil penalty.
(AMENDED)

HB 3249 Hawley SPONSOR: Luna
Relating to school buses; providing a penalty.
(COMMITTEE SUBSTITUTE/AMENDED)

HJR 104 Mowery SPONSOR: Ogden
Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.

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

HB 2017
Senate Conferees: Shapleigh - Chair/Moncrief/Nelson/West, Royce/Zaffirini/

HB 2777
Senate Conferees: Ratliff - Chair/Moncrief/Nelson/Wentworth/Zaffirini/

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Saturday, May 24, 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:

HB 21 Corte SPONSOR: Duncan
Relating to liability for the donation of medical devices to certain nonprofit organizations.

HB 196 Maxey SPONSOR: West
Relating to the issuance of a contact lens prescription and a patient's right of access to that prescription; providing penalties.
(COMMITTEE SUBSTITUTE)

HB 1391 Torres SPONSOR: Barrientos
Relating to continuing education requirements for air conditioning and refrigeration contractors.
(AMENDED)

HB 1553 Yarbrough SPONSOR: Whitmire
Relating to court costs assessed for certain offenses to provide funding for child safety programs.
(AMENDED)

HB 1789 Lewis, Glenn SPONSOR: Moncrief
Relating to reductions by certain insurers in writing or in the authority of agents to bind or solicit certain types of personal lines insurance.

HB 2481 Swinford SPONSOR: Sibley
Relating to faith-based chemical dependency treatment programs and counselors.
(AMENDED)

HB 3244 Gray SPONSOR: Whitmire
Relating to the efficient use of services and facilities for adult offenders determined to have alcohol or drug abuse problems.

HB 3269 Berlanga SPONSOR: Sibley
Relating to requirements for evidences of coverages issued by health maintenance organizations.

Respectfully,

Betty King
Secretary of the Senate

Message No. 4**MESSAGE FROM THE SENATE
SENATE CHAMBER**

Austin, Texas

Saturday, May 24, 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:

HB 998 Hunter SPONSOR: Fraser
Relating to the conflict-of-interests prohibition applying to a local official who has a substantial interest in a business entity.

HB 1285 Van de Putte SPONSOR: Wentworth
Relating to the meetings of a condominium board or association.
(AMENDED)

HB 2214 Delisi SPONSOR: Fraser
Relating to fees for correspondence courses for certain veterans and the children of certain veterans.
(AMENDED)

HB 2799 Marchant SPONSOR: Ellis
Relating to investment practices of governmental entities.
(AMENDED)

HB 2827 Place SPONSOR: Duncan
Relating to the death of an inmate in the custody of the Texas Department of Criminal Justice or imprisoned in a facility operated by or under contract with the department.
(COMMITTEE SUBSTITUTE)

HB 3607 Counts SPONSOR: Brown
Relating to validating certain acts of the Garza County Underground and Fresh Water Conservation District.

HCR 287 Averitt SPONSOR: Sibley
Instructing the enrolling clerk of the house to make technical corrections in **HB 710**.

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

SB 798 (viva-voce vote)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE

APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE
DIFFERENCES BETWEEN THE TWO HOUSES:

SB 1

Senate Conferees: Brown - Chair/Armbrister/Lucio/Truan/Wentworth/

SJR 17

Senate Conferees: Brown - Chair/Armbrister/Lucio/Truan/Wentworth/

Respectfully,

Betty King

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 23

Business & Industry - **SB 1195**

Civil Practices - **SB 1689**

Corrections - **SB 1611**

County Affairs - **SB 1843**

Criminal Jurisprudence - **SB 50**

Economic Development - **SCR 51**

Environmental Regulation - **SB 1910**

Insurance - **SB 865**

Judicial Affairs - **SB 402, SB 1099, SB 1840**

Juvenile Justice & Family Issues - **SB 1384**

Licensing & Administrative Procedures - **SB 1787**

Natural Resources - **SB 1582, SB 1943, SB 1955, SCR 77**

Pensions & Investments - **SB 1923**

State Affairs - **SB 839, SB 965, SB 1571, SB 1850**

Ways & Means - **SB 344, SB 485, SB 1153, SB 1249, SB 1453**

ENROLLED

May 23 - **HB 66, HB 92, HB 110, HB 312, HB 325, HB 332, HB 479, HB 784, HB 1333, HB 1336, HB 1484, HB 1498, HB 1640, HB 1708, HB 1759, HB 1870, HB 1881, HB 1990, HB 2145, HB 2156, HB 2192, HB 2389, HB 2448, HB 2563, HB 2673, HB 2688, HB 2689, HB 2692, HB 2693, HB 2768, HB 2776, HB 2778, HB 2825, HB 2829, HB 2880,**

HB 3101, HB 3112, HB 3125, HB 3233, HB 3246, HB 3380, HB 3541, HB 3542, HB 3549, HB 3581, HB 3590, HCR 44, HCR 137, HCR 189, HCR 240, HCR 241

SENT TO THE COMPTROLLER

May 23 - **HB 2778**

SENT TO THE GOVERNOR

May 23 - **HB 767, HB 993, HB 1170, HB 1327, HB 1507, HB 1585, HB 1645, HB 1779, HB 1990, HB 2215, HB 2556, HB 2703, HB 2778, HB 2825, HB 2848, HCR 240, HCR 241**

SIGNED BY THE GOVERNOR

May 23 - **HB 120, HB 239, HB 259, HB 394, HB 412, HB 432, HB 806, HB 883, HB 885, HB 911, HB 950, HB 1511, HB 1555, HB 1782, HB 2311, HB 2373, HB 2528, HB 2569, HB 2602, HB 2721, HB 3334, HCR 283**