

# HOUSE JOURNAL

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SEVENTY-FIFTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

EIGHTY-SEVENTH DAY — FRIDAY, MAY 30, 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 604).

Present — Mr. Speaker; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Flores; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; 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; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgenuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused, Committee Meeting — Alexander; Bosse; Davis; Gray.

Absent — Hinojosa; Smith.

The invocation was offered by Del Way, pastor, Calvary Temple Church, Kerrville, as follows:

Heavenly Father, we come before you today to declare our faith in you and to acknowledge our dependence on you as we begin the 75th session of this house of representatives.

Lord, the decisions made today will affect the lives of millions of Texans for years to come and with your divine guidance, can positively impact the future of this great State of Texas.

First of all, Father, I come in obedience to your word in First Timothy chapter two, verses one and two and I give thanks for these men and women who have assembled here to work together for our well-being and the future of our children. Thank you Father for their faithfulness and willingness to serve. I ask you to impart to them your wisdom, your knowledge, your mind, and your spirit. Give them the solutions, ideas, and new techniques not only to fix the programs that aren't working, but to maintain and keep on course the programs that are working.

I pray for these our leaders, that you have ordained for this moment that we all may lead a quiet and peaceable life in all godliness and honesty.

Lord, let this be one of the most productive sessions ever. Let the members of the different parties come into agreement and let Texas come out the winner.

Now most wonderful Heavenly Father, in the name of your son, Jesus, the savior of all mankind, I bless these God-chosen leaders, that whatever they put their hands to will prosper. May they be the head and not the tail, above and not beneath. May they prosper and be in health even as their soul is prospering in you. May their families be blessed and protected from evil and may your will be fulfilled in all that is done.

All these things I ask for and call done in the mighty name of Jesus Christ. Amen.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **SB 370**:

Bosse on motion of Junell.

Gray on motion of Junell.

Alexander on motion of Junell.

Davis on motion of Junell.

### HR 1274 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1274**, suspending the limitations on the conferees for **SB 862**.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Greenberg, who introduced Valerie Bennett, Curator of the O. Henry Museum; George Shelley and Saxon Fox, members of the Board of Directors.

**SCR 87**, commending the O. Henry Museum for its Opportunity - for - Youth Writing Clubs for Austin's inner-city youth, having been previously adopted, was read.

### HR 1111 - ADOPTED (by Hill)

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 1111**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1111**, Congratulating the Academic Quiz Team of The University of Texas at Dallas on its success at the 1997 National College Bowl Tournament.

**HR 1111** was read and was adopted without objection.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 1111** as signers thereof.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Hill who introduced a group with the Academic Quiz Team of The University of Texas at Dallas.

**HR 1147 - ADOPTED**  
**(by Holzheuser)**

Representative Holzheuser moved to suspend all necessary rules to take up and consider at this time **HR 1147**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1147**, Honoring David Baker for his achievements in gymnastics.

**HR 1147** was read and was adopted without objection.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Holzheuser, who introduced David Baker.

**HR 1278 - ADOPTED**  
**(by Yarbrough)**

Representative Yarbrough moved to suspend all necessary rules to take up and consider at this time **HR 1278**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1278**, In memory of Alexander Hieken.

**HR 1278** was unanimously adopted by a rising vote.

**HR 1174 - ADOPTED**  
**(by Coleman)**

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 1174**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1174**, Honoring Burton F. Raiford for his service to Texas.

**HR 1174** was read and was adopted without objection.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HR 1174** as signers thereof.

**HR 1273 - ADOPTED**  
**(by Uher)**

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 1273**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1273**, Congratulating John and Hazel Rehak on the occasion of their 50th wedding anniversary.

**HR 1273** was adopted without objection.

**HR 1121 - ADOPTED**  
**(by Van de Putte)**

Representative Van de Putte moved to suspend all necessary rules to take up and consider at this time **HR 1121**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1121**, Commemorating the restoration of San Antonio's Missouri-Pacific railway station.

(Sadler in the chair)

**HR 1121** was read and was adopted without objection.

**HR 1269 - ADOPTED**  
**(by Yarbrough)**

Representative Yarbrough moved to suspend all necessary rules to take up and consider at this time **HR 1269**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 1269**, Honoring the life and accomplishments of Calvin C. Morris.

**HR 1269** was adopted without objection.

**HR 1282 - ADOPTED**  
**(by Gutierrez)**

Representative Gutierrez moved to suspend all necessary rules to take up and consider at this time **HR 1282**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 1282**, Honoring Othal Brand for his many contributions to the McAllen community.

**HR 1282** was adopted without objection.

**HCR 322 - ADOPTED**  
**(by Heflin)**

Representative Heflin moved to suspend all necessary rules to take up and consider at this time **HCR 322**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HCR 322**, Expressing appreciation to Dr. Glenn A. Goerke for his contributions to higher education in the State of Texas.

**HCR 322** was read and was adopted without objection.

On motion of Representative Danburg, the names of all the members of the house were added to **HCR 322** as signers thereof.

### INTRODUCTION OF GUEST

The chair recognized Representative Heflin and the Houston delegation, who introduced Chancellor Glenn A. Goerke.

### 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.)

(Speaker in the chair)

### 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. 75, and Senate List No. 39).

### 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).

### HCR 321 - ADOPTED

(by Greenberg)

Representative Greenberg moved to suspend all necessary rules to take up and consider at this time **HCR 321**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

### HCR 321

WHEREAS, **HB 3116** has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains a technical error that needs correction; now, therefore, be it

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to make the following correction:

In Section 1 of the bill, in Section 2308.314(f), Government Code, as added by the bill, strike "the commission" and substitute "the Texas Workforce Commission".

**HCR 321** was adopted without objection.

### HOUSE AT EASE

At 11:10 a.m., the speaker announced that the house would stand at ease.

The speaker called the house to order at 11:15 a.m.

### MEMORIAL DAY OBSERVANCE

The speaker recognized Representative B. Turner who led the Memorial Day ceremonies.

The house and gallery stood for the presentation of the colors.

Representative B. Turner led the house and gallery in the pledge of allegiance.

The colors were retired.

Representative B. Turner introduced members of the house veterans caucus.

The following people participated in the Memorial Day ceremonies: Marvin F. Schroeder of Fredericksburg and Jeff Hunt of Austin, living historians and World War II soldiers, representing the Admiral Nimitz Museum; the Honorable Tommy Merritt, the Honorable Bob Hunter, and the Honorable Bob Turner, state representatives; the Honorable Jerry Patterson and the Honorable Bill Ratliff, state senators; David Stroud, military historian, Kilgore College; Brigadier General Daniel James III, Adjutant General of Texas and Major Michael Steve Marshall, Assistant, Adjutant General, Texas National Guard; Colonel Robert L. Howard, Master Sergeant Roy P. Benavides; Clarence E. Sasser, and Lucian Adam, medal of honor recipients; Sergeant James Marion Logan, Texas medal of honor recipient; the Honorable Tony Garza, Secretary of State; Chaplain Rodney Coleman, Texas Army National Guard; and Dr. Beulah Agnes Curry-Jones, Huston-Tillotson College.

Representative B. Turner introduced Brigadier General Daniel James III, Adjutant General of the State of Texas, who gave the Memorial Day address.

Representative B. Turner announced the procession of the five medal of honor recipients being honored today: Colonel Robert L. Howard, Master Sergeant Roy P. Benavidez, Clarence E. Sasser, Lucian Adam, and Sergeant James Marion Logan.

**HCR 238**, conferring the Texas Legislative Medal of Honor on Technical Sergeant James M. Logan, was read.

Representative B. Turner introduced military historian, David V. Stroud, of Kilgore College, who gave the history of Sergeant Logan, the first recipient of the Texas Legislative Medal of Honor, speaking as follows:

I have known Sergeant Logan for only a brief time, but I have known of him for years. I had read his citation for the medal of honor many times because I knew he lived in Kilgore, but I did not wish to intrude upon his time. Then, Good Friday 1997, Sergeant Dietze called and said he would be visiting Sergeant Logan, and I was welcome to drop by.

After I arrived at his home and was introduced, the hero stood and shook my hand. A feeling came over me that can't be explained, but I felt I had known him for years. He is able to do that to people.

We made small talk for about twenty minutes when he asked if I would like to see his medal. "Yes," leaped from my throat without my thinking, and he pointed to his bookshelf: "It's up there."

For the first time in my life I held the medal of honor and stared transfixed at the beauty—the blue ribbon with thirteen white stars, the gold, and the helmeted head of Athena. A gold eagle holds the word VALOR. "Is it inscribed?" I asked.

"Yes," he said, "flip it over."

"Flip it over?" I have never "flipped over" a medal of honor in my life.

So I handed the medal to Sergeant Dietze and told him to "flip" it in case some ancient war god were let loose if "flipped" the wrong way (if there was going to be a curse, it would be placed upon the head of Sergeant Dietze). Once the medal was handed back to me, I read the words inscribed, "Sergeant James M. Logan." I stared at the name of the man sitting near me, and I knew why the name was there. I knew what it represented—most people don't.

We are told all too often now that there are no heroes in America, the young have no core to hold them stable, the young look to athletes whose loyalty is only as firm as the dollar signs in their contract. Later Sergeant Logan and I sat in his front yard and talked, as Texans do, of old trucks, cowboy boots, and cattle. As we sat in the shade of the trees, I watched a young boy ride past on his bicycle and never notice the hero sitting in the shade of the tree watching his poodles play. It makes me sad to think of the boy with no hero. But he is not alone; heroes are forgotten in all too many homes today. I think there is a reason for this.

A few years ago as I walked down the hall at Kilgore College, I heard a video being played in a fellow history teacher's classroom. I stopped and saw the black and white newsreel as students saw hundreds of planes, tanks, guns and helmets roll off the assembly line. The teacher raised her arm and pointed to the TV screen and said loud enough for all to hear, "students, that is what wins wars."

I almost opened the door and ran in. She was wrong; she did not know.

Gideon Welles, Secretary of the Navy for Lincoln, knew what was needed to win wars. It was not the number of rifles, cannons, uniforms, tents, or even a superior population—the Union had those—what was needed no presidential order could obtain, no amount of money could buy. Men were needed, who while in combat facing the king of terror—with victory or defeat hanging in the balance—would stand up while others stayed down, would go forward while others remained still. That soldier would attack the king of terror. That soldier would perform above and beyond the call of duty. For that soldier there must be an award to demonstrate to all who see it what this man did that day. So one gloomy day in 1861 Gideon Welles saw congress approve and the president sign the bill creating the medal of honor. Gideon Welles would have been very proud of Sergeant James M. Logan.

At three a.m. on 9 September 1943, Sergeant Logan climbed down the cargo net to the landing craft below. He and his men were heading for the beach of Paestum a little south of Salerno, Italy. There were 39,000 Germans waiting for them in defensive positions they had prepared. By D+3 there would be 130,000 Germans. The Germans gave the Americans the first ten yards before the killing began. After ten yards they would run into thousands of hidden mines, as rifle, machine gun, and artillery fire rained down upon them.

Sergeant Logan was the first on the beach. He and his men made it 800 yards and found themselves in a drainage ditch with a German machine gun firing at them. At that moment Sergeant Logan rose while others stayed down. At that instant Sergeant Logan went forward while others stayed behind. He raced 200 yards toward the machine gun as bullets kicked at his heels. Three Germans charged him and were killed by Sergeant Logan. He then crawled along the wall until opposite the machine gun and rose and killed the crew, then turned the gun on the retreating Germans.

Later that same day Logan's men were being fired at by a sniper, and Sergeant Logan charged the house and shot the lock off the door before kicking it open. As he entered the house, he killed the sniper.

It becomes all too easy to read those words and still not realize what that man did that day. Words are only letters placed in a certain order, Germans—800—yards—200—yards—killed—3—crew—smashed—captured kicked—killed—above—and—beyond—the—call—of—duty.

Everyone here would agree that what Sergeant Logan did that day was enough for one lifetime, but that is not accurate. There are more than 260 million people alive today in the United States yet fewer than 160 wear the blue ribbon with the gold medal. I wanted to ask Sergeant Logan a question but did not know how or when to ask it. So while sitting in the shade of his tree, the two of us alone for the first time, I asked in a low voice, "Sergeant Logan, why did you do it that day?"

He bowed his head and held it with his two large hands and quietly said, "I did it for my buddies, I had to buy time for them." That is the way it is with heroes, the real ones who sit in the shade of a tree while a young boy rides past on a new bicycle. What Sergeant Logan did that day was more than enough for even a million lifetimes. And that is why we are here today.

Today the state awards the Texas medal of honor for the first time, and no better man could have been selected to receive it. It is fitting and proper for us to do this, for Texans are proud of their heroes. Today we inscribe the first name upon a new tablet of heroes, and I hope you remember what President Jefferson Davis of the Confederacy said in 1861 as Hood's Texas brigade stood in front of him near Richmond. "Texans," he spoke, "the other states have a history to make, you alone have a history to uphold." After today all other Texans will have a history to maintain, for the name of Sergeant James M. Logan will shine brightest upon that roll, and what he did that day will give all Texans a reason for pride and a tradition that must be upheld. This day is a day in history. This day is the day we were able to walk with a warrior, the quiet hero of Salerno.

Representative B. Turner introduced Secretary of State Antonio O. Garza, who presented the Texas Legislative Medal of Honor to Sergeant Logan.

Secretary of State Garza read a letter from Governor George Bush to Sergeant Logan.

Sergeant Logan thanked the house, speaking as follows:

I just want to thank everybody for everything. I appreciate it so much.

Representative B. Turner announced that the Texas Legislative Medal of Honor ceremony was concluded and the Memorial Day observance would be resumed.

The house and gallery stood for the twenty-one gun salute. Taps was then sounded.

The benediction was offered by Chaplain Rodney Coleman of the Texas Army National Guard.

The house and gallery remained standing for "God Bless America," sung by Beulah Agnes Curry-Jones.



Representative B. Turner thanked the military participants and reported to Speaker Laney that the Memorial Day program was complete.

### HOUSE AT EASE

At 11:59 a.m., the speaker announced that the house would stand at ease pending the departure of guests.

The speaker called the house to order at 12:16 p.m.

### 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).

### INTRODUCTION OF GUESTS

The speaker recognized Representative Serna, who introduced Ruth Kern and her family.

**HR 925**, honoring Ruth Kern for her contributions to the community, having been previously adopted, was read.

### HR 1286 - ADOPTED (by Williamson)

Representative Williamson moved to suspend all necessary rules to take up and consider at this time **HR 1286**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1286**, Commemorating the 100th anniversary of North Side Baptist Church in Weatherford.

**HR 1286** was adopted without objection.

### HR 1285 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1285**, suspending the limitations on the conferees for **SB 30**.

### HR 1284 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1284**, suspending the limitations on the conferees for **HB 1301**.

### HR 1267 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1267**, suspending the limitations on the conferees for **HB 318**.

### HOUSE AT EASE

At 12:25 p.m., the speaker announced that the house would stand at ease.

The speaker called the house to order at 1:50 p.m.

**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).

**HOUSE AT EASE**

At 1:51 p.m., the speaker announced that the house would stand at ease.  
(Gray now present)

The speaker called the house to order at 3 p.m.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today to attend a funeral:

Flores on motion of Gutierrez.

**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. 76).

**RESOLUTIONS CALENDAR**

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

**CSHCR 113** (by Palmer), Memorializing the U.S. Congress to repeal the Federal Unemployment Tax Act (FUTA) and to transfer control of workforce development programs to the states.

**CSHCR 113** was adopted without objection.

Representative Palmer moved to reconsider the vote by which **CSHCR 113** was adopted.

The motion to reconsider prevailed.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hilbert requested permission for the conference committee on **SB 841** to meet while the house is in session.

Permission to meet was granted without objection.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Conference committee on **SB 841**, 3:30 p.m. today, lieutenant governors committee room.

**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).

**CSHCR 113 - (consideration continued)**

**CSHCR 113** was before the house.

**Amendment No. 1**

Representative Palmer offered the following amendment to **CSHCR 113**:

Amend **CSHCR 113** to read as follows:

1) Insert the following new WHEREAS clause, beginning on line 13 of page 1:

WHEREAS, The emergency 0.2% Federal Unemployment Tax Surtax authorized in 1977 accomplished its goal of repaying the debt from that year's recession in 1987 and is no longer needed, yet has remained in full effect; and

2) On page 2, line 13, insert the phrase "and the Surtax" following the word "Act" and preceding the word "and".

Amendment No. 1 was adopted without objection.

**CSHCR 113**, as amended, was adopted without objection.

**CSHCR 286** (by Hirchi, Maxey, Berlanga, and Glaze), Encouraging the Texas Department of Health to develop and institute education and smoking cessation programs.

**CSHCR 286** was adopted without objection.

**SCR 3** (by Hilbert - House Sponsor), Granting Dr. Helen Li permission to sue the state and The University of Texas Medical School at Houston.

(Alexander and Bosse now present)

Representative Hilbert moved to postpone consideration of **SCR 3** until 3:30 p.m.

The motion prevailed without objection.

**SCR 29** (Bonnen - House Sponsor), Granting Benita Fogarty permission to sue the State of Texas and the Texas Department of Criminal Justice.

**SCR 29** was adopted without objection.

**SCR 71** (Gallego - House Sponsor), Granting Orian R. Gardner permission to sue the State of Texas and the Texas Department of Transportation.

**Amendment No. 1**

Representative Gallego offered the following amendment to **SCR 71**:

Amend **SCR 71** in the fourth resolving clause (page 2, lines 9-10, House Committee Printing), between "actual damages" and the semicolon, by inserting "not to exceed \$50,000, including any attorney's fees, court costs, and interest awarded".

Amendment No. 1 was adopted without objection.

**SCR 71**, as amended, was adopted without objection.

**SCR 75** (Giddings and J. Jones - House Sponsors), Authorizing the creation of a commission to study the creation of an institution of higher education to be located in the southern portion of the County of Dallas.

**SCR 75** was adopted without objection.

### POSTPONED BUSINESS

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

**SCR 3** (Hilbert - House Sponsor), Granting Dr. Helen Li permission to sue the state and The University of Texas Medical School at Houston.

**SCR 3** was on the calendar earlier today and was postponed until this time.

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Zbranek, Representative Hilbert offered the following committee amendment to **SCR 3**:

Amend **SCR 3** on page 1, line 21 by inserting "in Travis County" after the word "Houston" and before the word "subject."

Amend **SCR 3** on page 1, line 22 by inserting "for the official certificate of completion of the fellowship program and for no other monetary or other damages" after the word "Code" and before the semicolon.

#### **Amendment No. 2**

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

Amend **SCR 3** Committee Amendment No. 1 by striking lines 2 and 3 on Page 3 (house committee report printing).

Amendment No. 2 was adopted without objection.

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

**SCR 3**, as amended, was adopted without objection.

### **HB 2846 - RECOMMITTED**

Representative Berlanga moved to recommit the conference committee report on **HB 2846** to the conference committee on **HB 2846**.

The motion prevailed without objection.

### **HB 3263 - HOUSE DISCHARGES CONFEREES HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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 to discharge the conferees and concur in the senate amendments to **HB 3263**.

The motion prevailed.

#### **Senate Committee Substitute**

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

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

SECTION 1. Section 33.54, Tax Code, is amended to read as follows:

Sec. 33.54. LIMITATION ON ACTIONS RELATING TO PROPERTY SOLD FOR TAXES. (a) Except as provided by Subsection (b) ~~[of this section], an [a cause of]~~ action relating to the title to property may not be maintained against the purchaser of the property at a tax sale unless the action is commenced:

(1) ~~before the first anniversary of the date that [commences within three years after] the deed executed to the purchaser at the tax sale is filed of record; or~~

(2) ~~before the second anniversary of the date that the deed executed to the purchaser is filed of record, if on the date that the suit to collect the delinquent tax was filed the property was:~~

(A) ~~the residence homestead of the owner; or~~

(B) ~~land appraised or eligible to be appraised under Subchapter C or D, Chapter 23.~~

(b) If a person other than the purchaser at the tax sale or the person's [his] successor in interest pays taxes on the property during the applicable limitations period and until the commencement of an action challenging the validity of the tax sale [three years following the date the deed is filed] and that person was not served citation in the suit to foreclose the tax lien, that [the three-year] limitations period does not apply to that person.

(c) When actions are barred by this section, the purchaser at the tax sale or the purchaser's [his] successor in interest has [shall be held to have] full title to the property, precluding all other claims.

SECTION 2. Section 34.05, Tax Code, is amended by amending Subsections (b), (c), and (d), and adding Subsections (h) and (i) to read as follows:

(b) Property [Unless the property is] sold pursuant to Subsections (c) and (d) of this section[, it] may [not] be sold for any [less than the market value specified in the judgment of foreclosure or the total] amount [of the judgments against the property, whichever is less, without the consent of each taxing unit entitled to receive proceeds of the sale under the judgment. Joinder of the taxing units in the conveyance of the property constitutes consent. The presiding officer of the governing body of a taxing unit may consent in behalf of the taxing unit]. This subsection does not authorize a sale of property in violation of Section 52, Article III, Texas Constitution.

(c) The taxing unit purchasing the property by resolution of its governing body may request the sheriff to sell the property at a public sale. If the purchasing taxing unit has not sold the property within six months after the date on which the owner's right of redemption terminates, any taxing unit that is entitled to receive proceeds of the sale by resolution of its governing body may request the sheriff in writing to sell the property at a public sale. On receipt of a request made under this subsection, the sheriff shall sell the property as provided by Subsection (d) of this section, unless the property is sold pursuant to Subsection (h) or (i) of this section before the date set for the public sale.

(d) Except as provided by this subsection, all public sales requested as provided by Subsection (c) of this section shall be conducted in the manner

prescribed by the Rules of Civil Procedure for the sale of property under execution. The notice of the sale must contain a description of the property to be sold, which must be a legal description in the case of real property, the number and style of the suit under which the property was sold at the tax foreclosure sale, and the date of the tax foreclosure sale. ~~[The officer conducting the sale shall reject any bid for the property if it is his judgment that the amount bid is insufficient. If all bids are insufficient, the property shall be readvertised and offered for sale again.]~~ The acceptance of a bid by the officer conducting the sale is conclusive and binding on the question of its sufficiency. An action to set aside the sale on the grounds that the bid is insufficient may not be sustained in court, except that a taxing unit that participates in distribution of proceeds of the sale may file an action within one year after the date of the sale to set aside the sale on the grounds of fraud or collusion between the officer making the sale and the purchaser.

(h) In lieu of a sale pursuant to Subsections (c) and (d) of this section, the taxing unit that purchased the property may sell the property at a private sale. Consent of each taxing unit entitled to receive proceeds of the sale under the judgment is not required. Property sold under this subsection may not be sold for an amount that is less than the lesser of:

- (1) the market value specified in the judgment of foreclosure; or
- (2) the total amount of the judgments against the property.

(i) In lieu of a sale pursuant to Subsections (c) and (d) of this section, the taxing unit that purchased the property may sell the property at a private sale for an amount less than required under Subsection (h) of this section with the consent of each taxing unit entitled to receive proceeds of the sale under the judgment. This subsection does not authorize a sale of property in violation of Section 52, Article III, Texas Constitution.

SECTION 3. Subchapter A, Chapter 34, Tax Code, is amended by adding Section 34.051 to read as follows:

Sec. 34.051. RESALE BY TAXING UNIT FOR THE PURPOSE OF URBAN REDEVELOPMENT. (a) A municipality is authorized to resell tax foreclosed property for less than the market value specified in the judgment of foreclosure or less than the total amount of the judgments against the property if consent to the conveyance is evidenced by an interlocal agreement between the municipality and each taxing unit that is a party to the judgment, provided, however, that the interlocal agreement complies with the requirements of Subsection (b).

(b) Any taxing unit may enter into an interlocal agreement with the municipality for the resale of tax foreclosed properties to be used for a purpose consistent with the municipality's urban redevelopment plans. Any such interlocal agreement should include the following:

(1) a general statement and goals of the municipality's urban redevelopment plans;

(2) a statement that the interlocal agreement concerns only tax foreclosed property that is either vacant or distressed and has a tax delinquency of six or more years;

(3) a statement that the properties will be used only for a purpose consistent with an urban redevelopment plan that is primarily aimed at

providing housing for families of low or moderate income;

(4) a statement that the principal goal of the interlocal agreement is to provide an efficient mechanism for returning deteriorated or unproductive properties to the tax rolls, enhancing the value of ownership to the surrounding properties, and improving the safety and quality of life in deteriorating neighborhoods; and

(5) a provision that all properties are sold subject to any right of redemption.

(c) An action attacking the validity of a sale of property pursuant to this section may not be instituted after the expiration of one year after the date of the sale and then only after the unconditional tender into the registry of the court of an amount equal to all taxes, penalties, interest, costs, and post-judgment interest of all judgments on which the original foreclosure sale was based.

SECTION 4. Subchapter A, Chapter 34, Tax Code, is amended by adding Section 34.08 to read as follows:

Sec. 34.08. CHALLENGE TO VALIDITY OF TAX SALE. (a) A person may not commence an action that challenges the validity of a tax sale under this chapter unless the person:

(1) deposits into the registry of the court an amount equal to the amount of the delinquent taxes, penalties, and interest specified in the judgment of foreclosure obtained against the property plus all costs of the tax sale; or

(2) files an affidavit of inability to pay under Rule 145, Texas Rules of Civil Procedure.

(b) A person may not commence an action challenging the validity of a tax sale after the time set forth in Section 33.54(a)(1) or (2), as applicable to the property, against a subsequent purchaser for value who acquired the property in reliance on the tax sale. The purchaser may conclusively presume that the tax sale was valid and shall have full title to the property free and clear of the right, title, and interest of any person that arose before the tax sale, subject only to recorded restrictive covenants and valid easements of record set forth in Section 34.01(d) and subject to applicable rights of redemption.

(c) If a person is not barred from bringing an action challenging the validity of a tax sale under Subsection (b) or any other provision of this title or applicable law, the person must bring an action no later than two years after the cause of action accrues to recover real property claimed by another who:

(1) pays applicable taxes on the real property before overdue; and

(2) claims the property under a registered deed executed pursuant to Section 34.01.

(d) Subsection (c) does not apply to a claim based on a forged deed.

SECTION 5. (a) The changes in law made by Sections 1 and 4 of this Act apply only to an action that relates to the title to property sold for taxes or challenges the validity of a tax sale and that is commenced on or after September 1, 1998. An action commenced before September 1, 1998, is covered by the law in effect when the property was sold, and the former law is continued in effect for that purpose.

(b) The changes in law made by Section 2 of this Act apply only to the resale of property by a taxing unit on or after September 1, 1998. The resale

of property by a taxing unit before September 1, 1998, is covered by the law in effect when the property was resold, and the former law is continued in effect for that purpose.

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.

### **Senate Amendment No. 1**

Amend **CSHB 3263** on page 3, lines 40 through 52, committee printing, by striking SECTION 5 in its entirety and substituting a new SECTION 5 to read as follows:

SECTION 5. (a) The changes in law made by Sections 1 and 4 of this Act apply only to an action that relates to the title to property sold for taxes or challenges the validity of a tax sale and that is commenced on or after September 1, 1997. An action commenced before September 1, 1997, is covered by the law in effect when the property was sold, and the former law is continued in effect for that purpose.

(b) The changes in law made by Section 2 of this Act apply only to the resale of property by a taxing unit on or after September 1, 1997. The resale of property by a taxing unit before September 1, 1997 is covered by the law in effect when the property was resold, and the former law is continued in effect for that purpose.

### **Senate Amendment No. 2**

Amend **CSHB 3263** as follows:

On page 2, line 51, Committee Printed Version, amend Subchapter A, Chapter 24, Tax Code by inserting between the words "plans." and "Any" an new sentence to read:

"If the tax foreclosed property is resold pursuant to this section to be used for a purpose consistent with the municipality's urban redevelopment plan, the deed of conveyance must refer to or set forth the applicable terms of the urban redevelopment plan."

## **HB 1856 - HOUSE DISCHARGES CONFEREES HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1856**, A bill to be entitled An Act relating to the continuation and functions of the Commission on Law Enforcement Officer Standards and Education and to commissioned retired Texas Rangers, special rangers, and special Department of Public Safety officers.

Representative Telford moved to discharge the conferees and concur in the senate amendments to **HB 1856**.

The motion prevailed. (The vote was reconsidered later today, the house discharged the conferees, and concurred in the senate amendments by Record 614)



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

Amend **HB 1856** by striking Sections 17-20 of the bill and renumbering subsequent sections of the bill appropriately.

**Senate Amendment No. 2 (Senate Committee Amendment No. 2)**

Amend **HB 1856** by adding the following appropriately numbered section to the bill and renumbering existing sections of the bill appropriately:

SECTION \_\_\_\_\_. Section 415.035, Government Code, is amended to read as follows:

Sec. 415.035. WEAPONS PROFICIENCY. (a) An entity that employs more than two peace officers shall designate a firearms proficiency officer and require each peace officer that it employs to demonstrate to that officer, at least once each year, weapons proficiency. The entity shall maintain records of this proficiency.

(b) On request, the commission may waive the requirement under Subsection (a) that a peace officer demonstrate weapons proficiency if the commission finds that the requirement causes a hardship.

(c) The commission shall adopt rules to define weapons proficiency for the purpose of this section.

**Senate Amendment No. 3 (Senate Committee Amendment No. 3)**

Amend **HB 1856**, engrossed version, as follows:

(1) on page 5, line 17 through page 6, line 15, strike the current language.

(2) on page 5, line 17, substitute,

"Sec. 415.0065. TRAINING FOR COMMISSION MEMBERS. (a) To be eligible to take office as a member of the commission, a person appointed to the commission must complete at least one course of a training program that complies with this section.

(b) The training program must provide information to the person regarding:

(1) the enabling legislation that created the commission and its policymaking body to which the person is appointed to serve;

(2) the programs operated by the commission;

(3) the role and functions of the commission;

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

(5) the current budget for the commission;

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

(7) the requirements of the:

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

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

(C) administrative procedure law, Chapter 2001, Government

Code;

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

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

(c) A person appointed to the commission is entitled to reimbursement for travel expenses incurred in attending the training program, as provided by the

General Appropriations Act and as if the person were a member of the commission."

**Senate Amendment No. 4**

Amend **HB 1856** as follows:

On page 8, line 11, insert the following and renumber the sections accordingly;

"SECTION 20. Section 415.062, Government Code, is amended to read as follows:

Sec. 415.062. PROFESSIONAL ACHIEVEMENT AND PROFICIENCY CERTIFICATES. (a) The commission shall issue certificates that recognize professional achievement or proficiency based on law enforcement training, education, and experience. For this purpose the commission shall use the employment records of the employing agency.

(1) The commission as a requirement for a basic proficiency certificate shall require local courses or programs of instruction on federal and state statutes that relate to employment issues affecting peace officers and county jailers, including;

(A) civil service;

(B) compensation, including overtime compensation, and vacation time;

(C) personnel files and other employee records;

(D) management-employee relations in law enforcement organizations;

(E) work-related injuries;

(F) complaints and investigations of employee misconduct;

(G) disciplinary actions and the appeal of disciplinary actions.

(2) The employing agency shall be responsible for providing this training

**SB 1100 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Gallego, the house granted the request of the senate for the appointment of a conference committee on **SB 1100**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 1100**: D. Jones, chair, Patterson, Pickett, Place, and Staples.

**SB 1440 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Holzheuser, the house granted the request of the senate for the appointment of a conference committee on **SB 1440**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 1440**: Holzheuser, chair, Horn, Ramsay, Stiles, and Williamson.

**SB 1563 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hartnett, the house granted the request of the senate for the appointment of a conference committee on **SB 1563**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 1563**: Hartnett, chair, Clark, Thompson, A. Reyna, and Zbranek.

**SB 360 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Stiles, the house granted the request of the senate for the appointment of a conference committee on **SB 360**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 360**: Stiles, chair, Gray, Hightower, Telford, and Wilson.

**SB 1898 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Junell, the house granted the request of the senate for the appointment of a conference committee on **SB 1898**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 1898**: Junell, chair, Delisi, Greenberg, Krusee, and Pitts.

**SB 1873 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Stiles, the house granted the request of the senate for the appointment of a conference committee on **SB 1873**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 1873**: Hochberg, chair, Hernandez, Price, Rhodes, and Sadler.

**HB 2017 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Maxey submitted the following conference committee report on **HB 2017**:

Austin, Texas, May 28, 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 2017** 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.

Shapleigh	Maxey
Moncrief	Coleman
Nelson	Davila
West	Glaze
Zaffirini	Hirschi
On the part of the Senate	On the part of the House

**HB 2017**, A bill to be entitled An Act relating to telemedicine services provided under the Medicaid and Medicare programs.

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

SECTION 1. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.0215 to read as follows:

Sec. 531.0215. PARTICIPATION AND REIMBURSEMENT OF TELEMEDICINE SERVICE PROVIDERS UNDER MEDICAID. (a) The commission by rule shall develop and implement a system to reimburse providers of services under the state Medicaid program for services performed using telemedicine.

(b) In developing the system, the commission shall:

(1) review programs and pilot projects in other states to determine the most effective method for reimbursement;

(2) establish billing codes and a fee schedule for services; and

(3) provide for an approval process before a provider can receive reimbursement for services.

(c) The commission shall encourage teaching hospitals, small rural hospitals, federally qualified health centers, and state-owned health care facilities to participate as telemedicine service providers in the health care delivery system. The commission may not require that a service be provided to a patient through telemedicine when the service can reasonably be provided by a physician through a face-to-face consultation with the patient in the community in which the patient resides or works. This subsection does not prohibit the authorization of the provision of any service to a patient through telemedicine at the patient's request.

(d) Subject to Section 5.11, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), the commission may adopt rules as necessary to implement this section.

(e) In this section, "telemedicine" has the meaning assigned by Section 3.606, Public Utility Regulatory Act of 1995 (Article 1446c-0, Vernon's Texas Civil Statutes).

SECTION 2. Subchapter E, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is amended by adding Section 5.11 to read as follows:

Sec. 5.11. RULES REGARDING TELEMEDICINE SERVICES. The board, in consultation with the Health and Human Services Commission and the commissioner of insurance, may adopt rules as necessary to:

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

(2) prevent abuse and fraud in the use of telemedicine services for Medicaid and Medicare patients, including rules relating to filing of claims and records required to be maintained in relation to telemedicine.

SECTION 3. As soon as practicable after the effective date of this Act, Texas Tech University Health Sciences Center, with the cooperation of the Health and Human Services Commission, shall contact the Health Care Financing Administration regarding approval of the federal waiver submitted before the effective date of this Act to allow Texas Tech University Health Sciences Center to receive reimbursement under the federal research and demonstration project for telemedicine services provided under the Medicare program.

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.

(Davis and Hinojosa now present)

Representative Maxey moved to adopt the conference committee report on **HB 2017**.

A record vote was requested.

The motion prevailed by (Record 605): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; 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; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Williamson; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores.

Absent — Hodge; Smith.

**HB 2339 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Talton submitted the following conference committee report on **HB 2339**:

Austin, Texas, May 28, 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 2339** 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.

Brown	Talton
Wentworth	Heflin
Madla	Howard
Cain	Denny
Duncan	Staples
On the part of the Senate	On the part of the House

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

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

SECTION 1. Title 11, Property Code, is amended by adding Chapter 206 to read as follows:

**CHAPTER 206. EXTENSION OF RESTRICTIONS IMPOSING REGULAR ASSESSMENTS IN CERTAIN SUBDIVISIONS**

Sec. 206.001. DEFINITIONS. In this chapter:

(1) "Community association" means an incorporated association created to enforce restrictions.

(2) "Dedicatory instrument" and "restrictive covenant" have the meanings assigned by Section 202.001.

(3) "Lienholder," "owner," "real property records," "residential real estate subdivision," and "restrictions" have the meanings assigned by Section 201.003.

(4) "Regular assessment" means an assessment, charge, fee, or dues that each owner is required to pay to the community association on a regular basis and that is to be used by the association for the benefit of the subdivision in accordance with the original, extended, added, or modified restrictions.

Sec. 206.002. APPLICABILITY OF CHAPTER. This chapter applies only to a residential real estate subdivision that:

(1) consists of at least 4,600 homes;

(2) is located in whole or in part in a municipality with a population of more than 1.6 million located in a county with a population of 2.8 million or more; and

(3) has restrictions the terms of which are automatically extended but has a regular assessment that is established by a separate document that permits the assessment to expire and does not provide for extension of the term of the assessment.

Sec. 206.003. EXTENSION OF RESTRICTION IMPOSING REGULAR ASSESSMENT. (a) A community association may approve and submit to a vote of the owners an extension of a restriction imposing a regular assessment.

(b) The extension of a restriction imposing a regular assessment is approved if a majority of the owners in the subdivision who vote on the issue in accordance with Section 206.004 vote in favor of the extension.

(c) An extension approved in accordance with this section and Section 206.004 applies to all real property in the subdivision, including residential and commercial property.

(d) A document certifying that a majority of the owners voting on the issue approved the extension of the restriction must be recorded in the real property records of the county in which the subdivision is located.

Sec. 206.004. METHOD OF VOTING. (a) An extension of a restriction that imposes a regular assessment must be voted on:

(1) by a written ballot that states the substance of the amendment extending the restriction and specifies the date by which the community association must receive a ballot for the ballot to be counted; or

(2) at a meeting of the property owners in the subdivision.

(b) The community association shall provide for mailing to each owner, as applicable:

(1) the ballot under Subsection (a)(1); or

(2) notice of the meeting under Subsection (a)(2) that states the purpose of the meeting.

(c) In conjunction with a vote by ballot or at a meeting under Subsection (a), the community association may provide for circulation of a petition in the subdivision.

(d) The vote of multiple owners of a property may be reflected by the signature or vote of one of the owners.

(e) The community association shall record a copy of the ballot or petition in the real property records in the county in which the subdivision is located prior to submission of the extension to a vote of the owners.

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 Talton moved to adopt the conference committee report on **HB 2339**.

The motion prevailed.

### **SB 1865 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative R. Lewis submitted the conference committee report on **SB 1865**:

Representative R. Lewis moved to adopt the conference committee report on **SB 1865**.

The motion prevailed.

**HB 99 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Gray, the house concurred in the senate amendments to **HB 99**. (Hartnett recorded voting no) (The vote was reconsidered later today, and the house concurred in the senate amendments by Record 615)

**Senate Amendment No. 1**

Amend **HB 99** as follows:

(1) In Section 418.073(a), Government Code, as amended by SECTION 8 of the bill, (page 3, lines 47 and 48, senate committee report printing), strike "dedicated fund in the state treasury." and substitute "trust fund established in the Texas Treasury Safekeeping Trust Company, and shall be administered by that company as provided by Subchapter G, Chapter 404.".

(2) In Section 1.3531, Public Utility Regulatory Act of 1995 (Article 1446c-0, Vernon's Texas Civil Statutes), as added by SECTION 9 of the bill (page 4, lines 15-21, senate committee report printing), strike Subsection (a) and substitute the following:

(a) In addition to the assessment imposed on each public utility within the commission's jurisdiction under Section 1.351 of this Act, an annual assessment is imposed under this section on each electric utility and municipally owned utility serving the ultimate customer.

(3) In Section 1.3531(f), Public Utility Regulatory Act of 1995 (Article 1446c-0, Vernon's Texas Civil Statutes), as added by SECTION 9 of the bill (page 4, line 44, senate committee report printing) strike "Section 1.352 of this Act applies" and substitute "Sections 1.352 and 1.353 of this Act apply".

(4) Strike SECTIONS 11 and 12 of the bill, senate committee report printing, and substitute the following:

SECTION 11. 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. 2**

Amend **HB 99** as follows:

Strike Subsection (e) of SECTION 9 of the bill (committee printing page 4, line 37-42) and substitute the following:



"(e) Each public utility and municipally owned electric utility shall file a tariff with each regulatory authority that has original jurisdiction over the rates of ultimate consumers for that utility. The adjustment provision takes effect and becomes part of the utility's rates on the date on which that tariff is filed with the appropriate regulatory authority. Section 2.108 of this Act does not apply to any action taken under this Section."

### **Senate Amendment No. 3**

Amend **HB 99**, on third reading, as follows:

(1) Insert a new SECTION, appropriately numbered, to read as follows:  
SECTION \_\_\_\_\_. On the effective date of this Act, the disaster contingency fund account is abolished, and the comptroller shall transfer any unencumbered credit in that account to the disaster management fund established as a trust fund in the Texas Treasury Safekeeping Trust Company, as provided under Section 418.073, Government Code, as amended by this Act.

(2) Renumber the subsequent SECTIONS of the bill appropriately.

### **Senate Amendment No. 4**

Amend **HB 99**, on third reading, in SECTION 9 of the bill, by inserting a new Subsection (h) to added Section 1.3531, Public Utility Regulatory Act of 1995 (Article 1446c-0, Vernon's Texas Civil Statutes), to read as follows:

(h) This section expires September 1, 2000.

## **HB 629 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Yarbrough, the house concurred in the senate amendments to **HB 629** by (Record 606): 134 Yeas, 11 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; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; Naishtat; Nixon; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Rhodes; Roman; Sadler; Seaman; Serna; Siebert; Smithee; Solis;

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

Nays — Culberson; Finnell; Galloway; Heflin; Horn; Howard; Madden; Rabuck; Shields; Staples; Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores.

Absent — Reyna, E.; Smith.

### STATEMENT OF VOTE

I was shown voting yes on Record No. 606. I intended to vote no.

Hupp

### Senate Amendment No. 1

Amend **HB 629** by striking SECTION 1 and adding a new SECTION 1 to read as follows:

Amend Section 5.102, Alcoholic Beverage Code, by striking subsection (1) and renumbering subsequent subsections accordingly.

### HB 1820 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 1820**, A bill to be entitled An Act relating to the tuition charged to certain foreign students with financial need at certain components of the Texas State Technical College System and at Texas A&M University—Corpus Christi.

On motion of Representative Solis, the house concurred in the senate amendments to **HB 1820**. (Christian, Clark, Denny, Finnell, Horn, Howard, Hupp, Isett, Rabuck, and Williams recorded voting no.)

### Senate Amendment No. 1

Amend **HB 1820** as follows:

Add on page 1, line 20 (Senate committee printing report) after the word "resides" the following:

or who registers for lower division courses at a community or junior college having a partnership agreement pursuant to Subchapter N of Chapter 51 of this code with an upper-level university and both institutions are located in the county immediately adjacent to the nation in which the foreign student resides.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on **SB 841**:

Williamson on motion of Price.

Chisum on motion of Price.

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **SB 841**:

Hernandez on motion of Price.

Hilbert on motion of Price.

Wilson on motion of Price.

### **HB 2133 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2133**, A bill to be entitled An Act relating to the creation, powers, and duties of the State Office of Risk Management and to provisions of workers' compensation insurance coverage for state employees.

On motion of Representative Jackson, the house concurred in the senate amendments to **HB 2133**.

#### **Senate Amendment No. 1**

Amend **HB 2133** as follows:

(1) In SECTION 1 of the bill, in Section 412.021(b), Labor Code, as added by the bill (page 3, lines 12-16, Senate Committee Report Printing), strike "six members as follows:"

(1) three members appointed by the lieutenant governor; and

(2) three members appointed by the speaker of the house of representatives." and substitute "six members appointed by the governor."

(2) In SECTION 1 of the bill, in Section 412.021(d), Labor Code, as added by the bill (page 3, lines 21-23, Senate Committee Report Printing), strike "lieutenant governor and speaker of the house of representatives shall designate one member of the board as presiding officer on an alternating basis." and substitute "governor shall designate one member of the board as presiding officer."

(3) In SECTION 1 of the bill, in Section 412.024(b), Labor Code, as added by the bill (page 4, lines 15-17, Senate Committee Report Printing), strike "notify the lieutenant governor, the speaker of the house of representatives, and the attorney general that a potential ground for removal exists." and substitute "notify the governor and the attorney general that a potential ground for removal exists."

(4) In SECTION 1 of the bill, in Section 412.024(b), Labor Code, as added by the bill (page 4, lines 19-21, Senate Committee Report Printing), strike "notify the lieutenant governor, the speaker of the house of representatives, and the attorney general that a potential ground for removal exists." and substitute "notify the governor and the attorney general that a potential ground for removal exists."

(5) In SECTION 10 of the bill, in Subsection (b) of that section (page 9, lines 31 and 32, Senate Committee Report Printing), strike "the lieutenant governor and the speaker of the house of representatives shall each appoint" and substitute "the governor shall appoint".

(6) In SECTION 10 of the bill, in Subsection (c) of that section (page 9, line 37, Senate Committee Report Printing), strike "The lieutenant governor" and substitute "The governor".

### **Senate Amendment No. 2**

Amend **HB 2133** (committee printing) as follows:

1). On page 1, line 46, strike Subsection (c) and substitute the following:

"(c) The office is administratively attached to the office of the attorney general and the office of the attorney general shall provide the facilities for the office, but the office shall be independent of the office of the attorney general's direction."

2). On page 2, line 35, following "agencies", insert "any anticipated changes in agencies' workforces".

3). On page 2, line 56, following "Appropriations Act.", insert "For the first biennium that the allocation program is in effect, an agency whose worker's compensation claim costs exceed the amount allocated shall pay the additional costs from the agency's regular appropriated funds up to an amount equal to 50 percent of the total amount allocated to the agency. After the first biennium, the [The]"

4). On page 9, line 29, add the following to the end of Subsection (a), SECTION 10:

"No indirect funding or indirect full time equivalent employees (FTEs) associated with the Division of Worker's Compensation in the Office of the Attorney General and Division of Risk Management in the Texas Worker's Compensation Commission shall be transferred to the State Office of Risk Management. All indirect funding associated with each division shall be credited to the accounts of each agency, as provided in the General Appropriations Act. All indirect full time equivalent employees (FTEs) associated with each division shall remain with each agency."

### **HB 2252 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2252**, A bill to be entitled An Act relating to certain projects and programs for residents of a colonia.

Representative Oliveira moved that the house concur in the senate amendments to **HB 2252**.

Representative Culberson offered a substitute motion that the house not concur and that a conference committee be requested to adjust the differences between the two houses on the bill.

The substitute motion that the house not concur and that a conference committee be requested was lost by (Record 607): 31 Yeas, 102 Nays, 1 Present, not voting.

Yeas — Bonnen; Corte; Crabb; Culberson; Denny; Driver; Elkins; Finnell; Galloway; Grusendorf; Hartnett; Heflin; Horn; Howard; Hupp; Isett; Jackson;

Janek; Madden; Merritt; Moffat; Mowery; Nixon; Rabuck; Roman; Shields; Staples; Talton; Williams; Wohlgemuth; Woolley.

Nays — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bosse; Burnam; Chavez; Christian; Clark; Cook; Counts; Craddick; Cuellar; Danburg; Davila; Davis; Delisi; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Garcia; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Hamric; Hawley; Hightower; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Holzheuser; Hunter; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Moreno; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Sadler; Seaman; Serna; Siebert; Smithee; Solis; Solomons; Stiles; Swinford; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores.

Absent, Excused, Committee Meeting — Chisum; Hernandez; Hilbert; Williamson; Wilson.

Absent — Brimer; Carter; Coleman; Giddings; Haggerty; Hodge; Lewis, R.; Marchant; Smith.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 607. I intended to vote yes.

Goolsby

When Record No. 607 was taken, I was temporarily out of the house chamber. I would have voted no.

R. Lewis

The motion to concur in the senate amendments to **HB 2252** prevailed by (Record 608): 107 Yeas, 33 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berlanga; Bosse; Burnam; Carter; Chavez; Clark; Coleman; Cook; Counts; Craddick; Cuellar; Danburg; Davila; Davis; Delisi; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Hawley; Hightower; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Hunter; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno; Naishtat; Oakley; Oliveira; Olivo; Palmer; Patterson; Pickett; Pitts; Place; Price; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Sadler; Seaman; Serna; Smithee; Solis; Solomons; Stiles; Swinford; Telford;

Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Bonnen; Christian; Corte; Crabb; Culberson; Denny; Driver; Elkins; Finnell; Galloway; Grusendorf; Hartnett; Heflin; Horn; Howard; Hupp; Isett; Jackson; Janek; Madden; Moffat; Mowery; Nixon; Rabuck; Roman; Shields; Siebert; Staples; Talton; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores.

Absent, Excused, Committee Meeting — Chisum; Hernandez; Hilbert; Williamson; Wilson.

Absent — Brimer; Smith.

### **Senate Amendment No. 1**

Amend the Senate committee report for **HB 2252** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 2306.589, Government Code, is amended to read as follows:

Sec. 2306.589. COLONIA SET-ASIDE FUND. (a) The department shall establish a fund in the department designated as the colonia set-aside fund.

(b) The department by rule shall provide that an application for assistance in paying for residential service lines, hookups, and plumbing improvements associated with being connected to a water supply or sewer service system may be submitted after construction of a water supply or sewer service system begins. The department shall approve or disapprove a timely application before construction of the water supply or sewer service is completed in order to eliminate delay in hookups once construction is completed. The department and the Texas Water Development Board shall coordinate the application process for hookup funds under this subsection and under Subchapter L, Chapter 15, Water Code, and shall share information elicited by each agency's application procedure in order to avoid duplication of effort and to eliminate the need for applicants to complete different forms with similar information.

(c) The department may use money in the colonia set-aside fund for specific activities that assist colonias, including:

(1) the operation and activities of the self-help centers established under this subchapter; ~~or~~

(2) reimbursement of colonia advisory committee members for their reasonable expenses in the manner provided by Article 6252-33, Revised Statutes, or the General Appropriations Act; ~~and~~

(3) funding for the provision of water and sewer service connections in accordance with Subsection (b).

(d) ~~(e)~~ The department may review and approve an application for funding from the colonia set-aside fund that advances the policy and goals of the state in addressing problems in the colonias.

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 2697 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2697**, A bill to be entitled An Act relating to the salary from the state of a district judge who serves as a local administrative district judge.

Representative Gallego 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 2697**.

The motion prevailed without objection.

The speaker announced the appointment of the following conference committee, on the part of the house, on **HB 2697**: Gallego, chair, Hernandez, Pitts, Puente, and Roman.

**HR 1293 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1293**, suspending the limitations on the conferees for **SB 841**.

**HR 1291 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1291**, suspending the limitations on the conferees for **SB 20**.

**HB 2913 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2913**, A bill to be entitled An Act relating to the authority of the Health and Human Services Commission to administer and operate the Medicaid managed care program.

On motion of Representative Berlanga, the house concurred in the senate amendments to **HB 2913** by (Record 609): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Hamric; Hartnett; Hawley; Heflin;

Hightower; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; 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; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Wise; Wohlgenuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores.

Absent, Excused, Committee Meeting — Chisum; Hernandez; Hilbert; Williamson; Wilson.

Absent — Allen; Alvarado; Danburg; Haggerty; Kubiak; Siebert; Smith; Williams.

### Senate Committee Substitute

**CSHB 2913**, A bill to be entitled An Act relating to the authority of the Health and Human Services Commission to administer and operate the Medicaid managed care program.

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

SECTION 1. Section 531.021, Government Code, is amended to read as follows:

Sec. 531.021. ADMINISTRATION OF MEDICAID PROGRAM. (a) The commission is the state agency designated to administer federal medical assistance funds.

(b) The commission is responsible for adopting reasonable rules and standards governing the determination of fees, charges, and rates for medical assistance payments under Chapter 32, Human Resources Code.

(c) In discharging its duties relating to the Medicaid managed care program, the commission shall consult with and consider input from the advisory committee created under Section 531.047 and from each health and human services agency that operates part of the Medicaid program.

SECTION 2. Subchapter B, Chapter 531, Government Code, is amended by adding Section 531.047 to read as follows:

Sec. 531.047. MEDICAID MANAGED CARE INTERAGENCY ADVISORY COMMITTEE. (a) An interagency advisory committee is created to provide assistance and recommendations to the commission relating to the policy, administration, evaluation, and operation of the Medicaid managed care program. The advisory committee consists of:

(1) the commissioner or, if designated under Subsection (b), the person acting as the state Medicaid director;

(2) a representative of the Texas Department of Health, designated by the commissioner of public health;

(3) a representative of the Texas Department of Mental Health and



Mental Retardation, designated by the commissioner of mental health and mental retardation;

(4) a representative of the Texas Department of Human Services, designated by the commissioner of human services; and

(5) if considered appropriate by the commissioner, a representative of any other state agency with duties relating to the Medicaid managed care program, designated by the chief administrative officer of that agency.

(b) The commissioner may designate the person acting as the state Medicaid director to serve on the advisory committee on behalf of the commissioner.

(c) A member of the advisory committee serves at the will of the designating agency.

(d) The commissioner or the person acting as the state Medicaid director, as applicable, serves as presiding officer of the advisory committee, and members of the committee may elect other necessary officers.

(e) The advisory committee shall meet at the call of the presiding officer. The presiding officer shall call a meeting of the committee at least once every two months.

(f) The designating agency is responsible for the expenses of a member's service on the advisory committee. A member of the advisory committee receives no additional compensation for serving on the committee.

(g) The advisory committee is not subject to Article 6252-33, Revised Statutes.

SECTION 3. (a) Subtitle I, Title 4, Government Code, is amended by adding Chapter 533 to read as follows:

#### CHAPTER 533. IMPLEMENTATION OF MEDICAID

##### MANAGED CARE PROGRAM

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 533.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission or an agency operating part of the state Medicaid managed care program, as appropriate.

(2) "Commissioner" means the commissioner of health and human services.

(3) "Health and human services agencies" has the meaning assigned by Section 531.001.

(4) "Managed care organization" means a person who is authorized or otherwise permitted by law to arrange for or provide a managed care plan.

(5) "Managed care plan" means a plan under which a person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services. A part of the plan must consist of arranging for or providing health care services as distinguished from indemnification against the cost of those services on a prepaid basis through insurance or otherwise. The term includes a primary care case management provider network. The term does not include a plan that indemnifies a person for the cost of health care services through insurance.

(6) "Recipient" means a recipient of medical assistance under Chapter 32, Human Resources Code.

Sec. 533.002. PURPOSE. The commission shall implement the Medicaid managed care program as part of the health care delivery system developed under Chapter 532 by contracting with managed care organizations in a manner that, to the extent possible:

- (1) improves the health of Texans by:
  - (A) emphasizing prevention;
  - (B) promoting continuity of care; and
  - (C) providing a medical home for recipients;
- (2) ensures that each recipient receives high quality, comprehensive health care services in the recipient's local community;
- (3) encourages the training of and access to primary care physicians and providers;
- (4) maximizes cooperation with existing public health entities, including local departments of health;
- (5) provides incentives to managed care organizations, other than managed care organizations created by political subdivisions with constitutional or statutory obligations to provide health care to indigent patients, to improve the quality of health care services for recipients by providing value-added services; and
- (6) reduces administrative and other nonfinancial barriers for recipients in obtaining health care services.

Sec. 533.003. CONSIDERATIONS IN AWARDING CONTRACTS. In awarding contracts to managed care organizations, the commission shall:

- (1) give extra consideration to organizations that agree to assure continuity of care for at least three months beyond the period of Medicaid eligibility for recipients; and
- (2) consider the need to use different managed care plans to meet the needs of different populations.

Sec. 533.004. MANDATORY CONTRACTS. (a) In providing health care services through Medicaid managed care to recipients in a health care service region, the commission shall contract with at least one managed care organization in that region that:

- (1) is created by:
  - (A) a political subdivision with a constitutional or statutory obligation to provide health care to indigent patients; or
  - (B) a nonprofit corporation that has a contract, agreement, or other arrangement with a political subdivision described by Paragraph (A) under which the nonprofit corporation assumes that political subdivision's obligation to provide health care to indigent patients and leases, manages, or operates a hospital facility owned by that political subdivision;
- (2) is licensed to provide health care in that region; and
- (3) demonstrates its ability to meet the contractual obligations delineated in the commission's request for applications to enter into a contract with the commission to provide health care to recipients in that region.

(b) A contract with a managed care organization described in Subsection (a) must contain the same requirements and capitation rate as contracts with other managed care organizations to provide health care services to recipients in that region.

(c) If a political subdivision described in Subsection (a)(1)(A) has entered into an agreement with the state to provide funds for the expansion of Medicaid for children as authorized by Chapter 444, Acts of the 74th Legislature, Regular Session, 1995, the commission may not contract with a managed care organization described by Subsection (a)(1) unless the political subdivision fulfills its obligation under the agreement to provide those funds. The commission shall make the provision of those funds under the agreement a condition of the continuation of the contract with the managed care organization for the organization to provide health care services to recipients.

(d) The commission shall comply with this section in awarding and renewing contracts to provide health care services through Medicaid managed care to recipients in a region.

(e) Subsection (c) does not apply if:

(1) the commission does not expand Medicaid for children as authorized by Chapter 444, Acts of the 74th Legislature, Regular Session, 1995; or

(2) a waiver from a federal agency necessary for the expansion is not granted.

Sec. 533.005. REQUIRED CONTRACT PROVISIONS. A contract between a managed care organization and the commission for the organization to provide health care services to recipients must contain:

(1) procedures to ensure accountability to the state for the provision of health care services, including procedures for financial reporting, quality assurance, utilization review, and assurance of contract and subcontract compliance;

(2) capitation and provider payment rates that ensure the cost-effective provision of quality health care;

(3) a requirement that the managed care organization provide ready access to a person who assists recipients in resolving issues relating to enrollment, plan administration, education and training, access to services, and grievance procedures;

(4) a requirement that the managed care organization provide ready access to a person who assists providers in resolving issues relating to payment, plan administration, education and training, and grievance procedures;

(5) a requirement that the managed care organization provide information and referral about the availability of educational, social, and other community services that could benefit a recipient;

(6) procedures for recipient outreach and education; and

(7) a requirement that the managed care organization make payment to a physician or provider for health care services rendered to a recipient under a managed care plan not later than the 45th day after the date a claim for payment is received with documentation reasonably necessary for the managed care organization to process the claim, or within a period, not to exceed 60 days, specified by a written agreement between the physician or provider and the managed care organization.

Sec. 533.006. PROVIDER NETWORKS. (a) The commission shall require that each managed care organization that contracts with the commission to provide health care services to recipients in a region:

(1) seek participation in the organization's provider network from each hospital in the region that has been designated as a disproportionate share hospital under the state Medicaid program; and

(2) include in its provider network for not less than three years:

(A) each health care provider in the region who:

(i) previously provided care to Medicaid and charity care recipients at a significant level as prescribed by the commission;

(ii) agrees to accept the prevailing provider contract rate of the managed care organization; and

(iii) has the credentials required by the managed care organization, provided that lack of board certification or accreditation by the Joint Commission on Accreditation of Healthcare Organizations may not be the sole ground for exclusion from the provider network;

(B) each accredited primary care residency program in the region; and

(C) each disproportionate share hospital designated by the commission as a statewide significant traditional provider.

(b) A contract between a managed care organization and the commission for the organization to provide health care services to recipients in a health care service region that includes a rural area must require that the organization include in its provider network rural hospitals, physicians, home and community support services agencies, and other rural health care providers who:

(1) are sole community providers;

(2) provide care to Medicaid and charity care recipients at a significant level as prescribed by the commission;

(3) agree to accept the prevailing provider contract rate of the managed care organization; and

(4) have the credentials required by the managed care organization, provided that lack of board certification or accreditation by the Joint Commission on Accreditation of Healthcare Organizations may not be the sole ground for exclusion from the provider network.

Sec. 533.007. CONTRACT COMPLIANCE. (a) The commission shall review each managed care organization that contracts with the commission to provide health care services to recipients through a managed care plan issued by the organization to determine whether the organization is prepared to meet its contractual obligations.

(b) Each managed care organization that contracts with the commission to provide health care services to recipients in a health care service region shall submit an implementation plan not later than the 90th day before the date on which the commission plans to begin to provide health care services to recipients in that region through managed care. The implementation plan must include:

(1) specific staffing patterns by function for all operations, including enrollment, information systems, member services, quality improvement, claims management, case management, and provider and recipient training; and

(2) specific time frames for demonstrating preparedness for implementation before the date on which the commission plans to begin to provide health care services to recipients in that region through managed care.

(c) The commission shall respond to an implementation plan not later than the 10th day after the date a managed care organization submits the plan if the plan does not adequately meet preparedness guidelines.

(d) Each managed care organization that contracts with the commission to provide health care services to recipients in a region shall submit status reports on the implementation plan not later than the 60th day and the 30th day before the date on which the commission plans to begin to provide health care services to recipients in that region through managed care and every 30th day after that date until the 180th day after that date.

(e) The commission shall conduct a compliance and readiness review of each managed care organization that contracts with the commission not later than the 15th day before the date on which the commission plans to begin the enrollment process in a region and again not later than the 15th day before the date on which the commission plans to begin to provide health care services to recipients in that region through managed care. The review must include an on-site inspection and tests of service authorization and claims payment systems, complaint processing systems, and any other process or system required by the contract.

(f) The commission may delay enrollment of recipients in a managed care plan issued by a managed care organization if the review reveals that the managed care organization is not prepared to meet its contractual obligations. The commission shall notify a managed care organization of a decision to delay enrollment in a plan issued by that organization.

Sec. 533.008. MARKETING GUIDELINES. The commission shall establish marketing guidelines for managed care organizations that contract with the commission to provide health care services to recipients, including guidelines that prohibit:

(1) door-to-door marketing to recipients by managed care organizations or agents of those organizations;

(2) the use of marketing materials with inaccurate or misleading information;

(3) misrepresentations to recipients or providers;

(4) offering recipients material or financial incentives to choose a managed care plan other than nominal gifts or free health screenings approved by the commission that the managed care organization offers to all recipients regardless of whether the recipients enroll in the managed care plan; and

(5) the use of marketing agents who are paid solely by commission.

Sec. 533.009. SPECIAL DISEASE MANAGEMENT. (a) The commission shall, to the extent possible, ensure that managed care organizations under contract with the commission to provide health care services to recipients develop special disease management programs to address chronic health conditions, including asthma and diabetes.

(b) The commission may study, in conjunction with an academic center, the benefits and costs of applying disease management principles in the delivery of Medicaid managed care.

Sec. 533.010. SPECIAL PROTOCOLS. In conjunction with an academic center, the commission may study the treatment of indigent populations to develop special protocols for managed care organizations to use in providing

health care services to recipients.

[Sections 533.011-533.020 reserved for expansion]

SUBCHAPTER B. REGIONAL ADVISORY COMMITTEES

Sec. 533.021. APPOINTMENT. Not later than the 180th day before the date the commission plans to begin to provide health care services to recipients in a health care service region through managed care, the commission, in consultation with health and human services agencies, shall appoint a Medicaid managed care advisory committee for that region.

Sec. 533.022. COMPOSITION. A committee consists of representatives from entities and communities in the region as considered necessary by the commission to ensure representation of interested persons, including representatives of:

- (1) hospitals;
- (2) managed care organizations;
- (3) primary care providers;
- (4) state agencies;
- (5) consumer advocates;
- (6) recipients; and
- (7) rural providers.

Sec. 533.023. PRESIDING OFFICER; SUBCOMMITTEES. The commissioner or the commissioner's designated representative serves as the presiding officer of a committee. The presiding officer may appoint subcommittees as necessary.

Sec. 533.024. MEETINGS. (a) A committee shall meet at least quarterly for the first year after appointment of the committee and at least annually after that time.

(b) A committee is subject to Chapter 551, Government Code.

Sec. 533.025. POWERS AND DUTIES. A committee shall:

(1) comment on the implementation of Medicaid managed care in the region;

(2) provide recommendations to the commission on the improvement of Medicaid managed care in the region not later than the 30th day after the date of each committee meeting; and

(3) seek input from the public, including public comment at each committee meeting.

Sec. 533.026. INFORMATION FROM COMMISSION. On request, the commission shall provide to a committee information relating to recipient enrollment and disenrollment, recipient and provider complaints, administrative procedures, program expenditures, and education and training procedures.

Sec. 533.027. COMPENSATION; REIMBURSEMENT. (a) A member of a committee other than a representative of a health and human services agency is not entitled to receive compensation or reimbursement for travel expenses.

(b) A member of a committee who is an agency representative is entitled to reimbursement for expenses incurred in the performance of committee duties by the appointing agency in accordance with the travel provisions for state employees in the General Appropriations Act.

Sec. 533.028. OTHER LAW. Except as provided by this chapter, a committee is subject to Article 6252-33, Revised Statutes.

Sec. 533.029. FUNDING. The commission shall fund activities under this section with money otherwise appropriated for that purpose.

(b) Not later than December 1, 1998, the Health and Human Services Commission shall submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives on the impact of Medicaid managed care on the public health sector.

(c) Not later than the first anniversary of the date on which Medicaid recipients in a health care service region begin to receive health care services through Medicaid managed care, the Health and Human Services Commission, in cooperation with the Medicaid managed care advisory committee for that region created under Subchapter B, Chapter 533, Government Code, as added by this Act, shall submit a report to the governor, lieutenant governor, and speaker of the house of representatives on the implementation of Medicaid managed care in that region. If Medicaid recipients in a region began to receive health care services through managed care before September 1, 1996, the commission is required to submit a report on the implementation of Medicaid managed care in that region as soon as possible after the effective date of this Act. The commission may consolidate a report with any other report relating to the same subject that the commission is required to submit under other law.

(d) Section 533.007, Government Code, as added by this Act, applies only to a contract with a managed care organization that the Health and Human Services Commission or an agency operating part of the Medicaid managed care program enters into or renews on or after the effective date of this Act. A contract with a managed care organization that the Health and Human Services Commission or an agency operating part of the Medicaid managed care program enters into or renews before the effective date of this Act is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

(e) Section 533.004, Government Code, as added by this Act, does not affect the expansion of medical assistance for children described in H.C.R. No. 189, 75th Legislature, Regular Session, 1997.

(f) If Medicaid recipients in a health care service region began to receive health care services through managed care before the effective date of this Act, the Health and Human Services Commission or an agency operating part of the Medicaid managed care program shall appoint a Medicaid managed care advisory committee for that region in accordance with Subchapter B, Chapter 533, Government Code, as added by this Act, as soon as possible after the effective date of this Act.

(g) This section takes effect immediately.

SECTION 4. This Act takes effect September 1, 1997, except that Section 3 of this Act takes effect immediately.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.

### **Senate Amendment No. 1**

Amend **CSHB 2913**, in SECTION 1 of the bill, at the end of added Section

531.021(b), Government Code (Senate Committee Report, page 1, line 22), add "In adopting these rules and standards, the commission shall consult with the agencies that operate the Medicaid program."

### **Senate Amendment No. 2**

Amend **CSHB 2913** by striking Section 531.021(c) in SECTION 1 (Senate committee report, page 1, lines 23-27), and by striking all of SECTION 2 from the bill (Senate committee report, page 1, lines 28 through page 2, line 1) and renumbering the subsequent SECTIONS accordingly.

### **Senate Amendment No. 3**

Amend **CSHB 2913** as follows:

(1) In SECTION 3 of the bill, at the end of added Section 533.001, Government Code (Senate Committee Printing, page 2, between lines 28 and 29), add the following:

(7) "Health care service region" or "region" means a Medicaid managed care service area as delineated by the commission.

(2) In SECTION 3 of the bill, in added Section 533.002(5), Government Code (Senate Committee Printing, page 2, lines 44-47), strike "other than managed care organizations created by political subdivisions with constitutional or statutory obligations to provide health care to indigent patients.".

(3) In SECTION 3 of the bill, in added Section 533.005(6), Government Code, after the semicolon (Senate Committee Printing, page 3, line 59), strike "and".

(4) In SECTION 3 of the bill, at the end of added Section 533.005(7) (Senate Committee Printing, page 3, line 67), strike the period and substitute "; and".

(5) In SECTION 3 of the bill, between added Sections 533.005 and 533.006, Government Code (Senate Committee Printing, page 3, between lines 67 and 68), insert the following:

(8) a requirement that the commission, on the date of a recipient's enrollment in a managed care plan issued by the managed care organization, inform the organization of the recipient's Medicaid recertification date.

(6) In SECTION 3 of the bill, between added Sections 533.007 and 533.008, Government Code (Senate Committee Printing, page 5, between lines 18 and 19), insert the following:

Sec. 533.0075. RECIPIENT ENROLLMENT. The commission shall:

(1) encourage recipients to choose appropriate managed care plans and primary health care providers by:

(A) providing initial information to recipients and providers in a region about the need for recipients to choose plans and providers not later than the 90th day before the date on which the commission plans to begin to provide health care services to recipients in that region through managed care;

(B) providing follow-up information before assignment of plans and providers and after assignment, if necessary, to recipients who delay in choosing plans and providers; and

(C) allowing plans and providers to provide information to recipients or engage in marketing activities under marketing guidelines



established by the commission under Section 533.008 after the commission approves the information or activities;

(2) consider the following factors in assigning managed care plans and primary health care providers to recipients who fail to choose plans and providers:

(A) the importance of maintaining existing provider-patient and physician-patient relationships, including relationships with specialists, public health clinics, and community health centers;

(B) to the extent possible, the need to assign family members to the same providers and plans; and

(C) geographic convenience of plans and providers for recipients; and

(3) retain responsibility for enrollment and disenrollment of recipients in managed care plans, except that the commission may delegate the responsibility to an independent contractor who receives no form of payment from, and has no financial ties to, any managed care organization.

(7) In SECTION 3 of the bill, in added Section 533.008, Government Code (Senate Committee Printing, page 5, line 19), between "GUIDELINES." and "The", insert "(a)".

(8) In SECTION 3 of the bill, at the end of added Section 533.008(4), Government Code, after the semicolon (Senate Committee Printing, page 5, line 32), strike "and".

(9) In SECTION 3 of the bill, at the end of added Section 533.008(5), Government Code (Senate Committee Printing, page 5, line 34), strike the period and substitute "; and".

(10) In SECTION 3 of the bill, between added Sections 533.008 and 533.009, Government Code (Senate Committee Printing, page 5, between lines 34 and 35), insert the following:

(6) face-to-face marketing at public assistance offices by managed care organizations or agents of those organizations.

(b) This section does not prohibit:

(1) the distribution of approved marketing materials at public assistance offices; or

(2) the provision of information directly to recipients under marketing guidelines established by the commission.

(11) In SECTION 3 of the bill, in added Section 533.009(a), Government Code, between "diabetes" and the period (Senate Committee Printing, page 5, line 40), insert ", and use outcome measures to assess the programs".

(12) In SECTION 3 of the bill, after added Section 533.010, Government Code (Senate Committee Printing, page 5, between lines 48 and 49), insert the following:

Sec. 533.011. PUBLIC NOTICE. Not later than the 30th day before the commission plans to issue a request for applications to enter into a contract with the commission to provide health care services to recipients in a region, the commission shall publish notice of and make available for public review the request for applications and all related nonproprietary documents, including the proposed contract.

(13) In SECTION 3 of the bill, between added Subchapters A and B, Chapter 533, Government Code (Senate Committee Printing, page 5, line 49),

strike "[Sections 533.011-533.020 reserved for expansion]" and substitute "[Sections 533.012-533.020 reserved for expansion]".

#### **Senate Amendment No. 4**

Amend **CSHB 2913** as follows:

(1) In SECTION 3 of the bill, strike added Section 533.003, Government Code (senate committee printing, page 2, lines 52-59), and substitute the following:

Sec. 533.003. CONSIDERATIONS IN AWARDING CONTRACTS. In awarding contracts to managed care organizations, the commission shall:

(1) give preference to organizations that have significant participation in the organization's provider network from each health care provider in the region who has traditionally provided care to Medicaid and charity care patients;

(2) give extra consideration to organizations that agree to assure continuity of care for at least three months beyond the period of Medicaid eligibility for recipients; and

(3) consider the need to use different managed care plans to meet the needs of different populations.

(2) In SECTION 3 of the bill, in added Section 533.005(6), Government Code, after the semicolon (senate committee printing, page 3, line 59), strike "and".

(3) In SECTION 3 of the bill, at the end of added Section 533.005(7), Government Code (senate committee printing, page 3, line 67), strike the period and substitute "; and".

(4) In SECTION 3 of the bill, between added Section 533.005, Government Code, and added Section 533.006, Government Code (senate committee printing, page 3, between lines 67 and 68), insert the following:

(8) a requirement that the managed care organization comply with Section 533.006 as a condition of contract retention and renewal.

(5) In SECTION 3 of the bill, strike added Section 533.006(a)(1), Government Code (senate committee printing, page 4, lines 3-6) and substitute the following:

(1) seek participation in the organization's provider network from:

(A) each health care provider in the region who has traditionally provided care to Medicaid recipients; and

(B) each hospital in the region that has been designated as a disproportionate share hospital under the state Medicaid program; and

#### **Senate Amendment No. 5**

Amend **CSHB 2913** as follows:

(1) In SECTION 3 of the bill, strike added Section 533.004, Government Code (Senate Committee Printing, page 2, line 60, through page 3, line 34), and substitute the following:

Sec. 533.004. MANDATORY CONTRACTS. (a) In providing health care services through Medicaid managed care to recipients in a health care service region, the commission shall contract with at least one managed care organization in that region that is licensed under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code) to provide health care in that region and that is:

(1) wholly owned and operated by a hospital district in that region;

(2) created by a nonprofit corporation that:

(A) has a contract, agreement, or other arrangement with a hospital district in that region or with a municipality in that region that owns a hospital licensed under Chapter 241, Health and Safety Code, and has an obligation to provide health care to indigent patients; and

(B) under the contract, agreement, or other arrangement, assumes the obligation to provide health care to indigent patients and leases, manages, or operates a hospital facility owned by the hospital district or municipality; or

(3) created by a nonprofit corporation that has a contract, agreement, or other arrangement with a hospital district in that region under which the nonprofit corporation acts as an agent of the district and assumes the district's obligation to arrange for services under the Medicaid expansion for children as authorized by Chapter 444, Acts of the 74th Legislature, Regular Session, 1995.

(b) A managed care organization described by Subsection (a) is subject to all terms and conditions to which other managed care organizations are subject, including all contractual, regulatory, and statutory provisions relating to participation in the Medicaid managed care program.

(c) The commission shall make the awarding and renewal of a mandatory contract under this section to a managed care organization affiliated with a hospital district or municipality contingent on the district or municipality entering into a matching funds agreement to expand Medicaid for children as authorized by Chapter 444, Acts of the 74th Legislature, Regular Session, 1995. The commission shall make compliance with the matching funds agreement a condition of the continuation of the contract with the managed care organization to provide health care services to recipients.

(d) Subsection (c) does not apply if:

(1) the commission does not expand Medicaid for children as authorized by Chapter 444, Acts of the 74th Legislature, Regular Session, 1995; or

(2) a waiver from a federal agency necessary for the expansion is not granted.

(2) In SECTION 3 of the bill, strike Subsection (g) (Senate Committee Printing, page 7, line 9) and substitute the following:

(g) If, on the effective date of this Act, the commission has contracted with a managed care organization to provide health care services through Medicaid managed care to recipients in a region, the commission shall award at least one mandatory contract under Section 533.004, Government Code, as added by this Act, on the renewal date of that contract.

(h) This section takes effect immediately.

### **Senate Amendment No. 6**

Amend **CSHB 2913**, in SECTION 3 of the bill, by striking added Section 533.022, Government Code (Senate Committee Printing, page 5, lines 57-67), and substituting the following:

Sec. 533.022. COMPOSITION. A committee consists of representatives from entities and communities in the region as considered necessary by the commission to ensure representation of interested persons, including representatives of:

(1) hospitals;  
(2) managed care organizations;  
(3) primary care providers;  
(4) state agencies;  
(5) consumer advocates;  
(6) recipients;  
(7) rural providers;  
(8) long-term care providers;  
(9) specialty care providers, including pediatric providers; and  
(10) political subdivisions with a constitutional or statutory obligation  
to provide health care to indigent patients.

**HB 2948 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2948**, A bill to be entitled An Act relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

On motion of Representative S. Turner, the house concurred in the senate amendments to **HB 2948** by (Record 610): 133 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Coleman; Corte; Crabb; Craddock; Cuellar; Culberson; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Heflin; Hightower; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzheuser; Horn; Howard; Hunter; Hupp; Jackson; Janek; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moffat; Moreno; Mowery; 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; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Flores.

Absent, Excused, Committee Meeting — Chisum; Hernandez; Hilbert; Williamson; Wilson.

Absent — Alvarado; Cook; Counts; Danburg; Jones, D.; Naishtat; Smith.

**Senate Amendment No. 1**

Amend **HB 2948** by striking all below the enacting clause and substituting the following:

SECTION 1. DEFINITION. In this Act, "state agency" means an office, institution, or other agency that is in the executive branch of state government, has authority that is not limited to a geographical portion of the state, and was created by the constitution or a statute of this state, but does not include an institution of higher education as defined by Section 61.003, Education Code.

SECTION 2. ABOLITION OF FUNDS, ACCOUNTS, AND DEDICATIONS. Except as otherwise specifically provided by this Act, all funds and accounts created or re-created in the state treasury by an Act of the 75th Legislature, Regular Session, 1997, that becomes law, and all dedications or rededications of revenue in the state treasury or otherwise collected by a state agency for a particular purpose by an Act of the 75th Legislature, Regular Session, 1997, that becomes law, are abolished on the later of August 30, 1997, or the date the Act creating or re-creating the fund or account or dedicating or rededicating revenue takes effect.

SECTION 3. PREVIOUSLY EXEMPT DEDICATIONS, FUNDS, AND ACCOUNTS. Section 2 of this Act does not apply to statutory dedications, funds, and accounts that were enacted before the 75th Legislature convened to comply with requirements of state constitutional or federal law, to dedications, funds, or accounts that remained exempt from former Section 403.094(h), Government Code, at the time dedications, accounts, and funds were abolished under that provision, to increases in fees or in other revenue dedicated as described by this section, or to increases in fees or in other revenue required to be deposited in a fund or account described by this section.

SECTION 4. ACCOUNTS IN GENERAL REVENUE FUND. Effective August 30, 1997, the following accounts and the revenue deposited to the credit of the accounts are exempt from Section 2 of this Act and Section 403.095, Government Code, and are created in the general revenue fund, if created by an Act of the 75th Legislature, Regular Session, 1997, that becomes law:

- (1) the capital access fund account created by Senate Bill No. 266;
- (2) the account containing fees for maintaining a real estate license on inactive status created by House Bill No. 1346;
- (3) the sexual assault prevention and crisis services fund created by House Bill No. 2561;
- (4) laboratory service charges authorized by House Bill No. 2389;
- (5) sale or licensing fees for the use of treatment programs authorized by House Bill No. 2082;
- (6) the excess benefit arrangement accounts created by Senate Bill No. 1102 and House Bill No. 2644;
- (7) fees and accounts created by House Bill No. 3231;
- (8) the Texas child care fund created by Senate Bill No. 211;
- (9) the emergency reserve fund created by Senate Bill No. 1156;
- (10) the watermaster fund created by Senate Bill No. 1406;
- (11) funds and accounts created by House Bill No. 1188;
- (12) the disaster management trust fund created by House Bill No. 99;
- (13) revenue collected under the authority of House Bill No. 16;
- (14) revenue collected for the game, fish, and water safety account as provided by House Bill No. 966;
- (15) revenue apportioned as provided by House Bill No. 2153;

(16) crab management license fees authorized by Senate Bill No. 920;  
 (17) proceeds to relocate the State Aircraft Pooling Board authorized by House Bill No. 3585;

(18) menhaden boat license fees authorized by House Bill No. 520;  
 and

(19) licensing fees authorized by Senate Bill No. 771.

**SECTION 5. OTHER FUNDS IN TREASURY.** Effective August 30, 1997, the following funds in the state treasury and the revenue deposited to the credit of the funds are exempt from Section 2 of this Act and Section 403.095, Government Code, if created by an Act of the 75th Legislature, Regular Session, 1997, that becomes law:

(1) the groundwater district loan assistance fund created by Senate Bill No. 1;

(2) the Texas water development fund II, including all accounts in the fund, created by Senate Bill No. 1;

(3) the safe drinking water revolving fund created by Senate Bill No. 1;

(4) the basic civil legal services account of the judicial fund created by Senate Bill No. 1534;

(5) the state infrastructure bank and revenues of the turnpike division of the Texas Department of Transportation as provided by Senate Bill No. 370;

(6) the telecommunications infrastructure fund and the revenue dedicated to it as provided by Senate Bill No. 249;

(7) revenue, funds, and accounts authorized by House Bill No. 4;

(8) permit fees authorized by House Bill No. 1345;

(9) revenue, funds, and accounts authorized by Senate Bill No. 190;  
 and

(10) revenue, funds, and accounts authorized by Senate Bill No. 932.

**SECTION 6. CERTAIN FEE REVENUE.** Effective August 30, 1997, revenue consisting of fees collected under Section 5(m), The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes), is dedicated for the purposes provided by that subsection and is exempt from Section 2 of this Act and Section 403.095, Government Code.

**SECTION 7. FEDERAL FUNDS.** Section 2 of this Act does not apply to funds created pursuant to an Act of the 75th Legislature, Regular Session, 1997, for which separate accounting is required by federal law, except that the funds shall be deposited in accounts in the general revenue fund unless otherwise required by federal law.

**SECTION 8. TRUST FUNDS.** Section 2 of this Act does not apply to trust funds or dedicated revenue deposited to trust funds created under an Act of the 75th Legislature, Regular Session, 1997, except that the trust funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval.

**SECTION 9. BOND FUNDS.** Section 2 of this Act does not apply to bond funds and pledged funds created or affected by an Act of the 75th Legislature, Regular Session, 1997, except that the funds shall be held in the state treasury, with the comptroller in trust, or outside the state treasury with the comptroller's approval. Funds exempt under this section include bond and

pledged funds or accounts created or affected by the following, if enacted by the 75th Legislature, Regular Session, 1997, by an Act that becomes law:

- (1) revenue bond funds in Senate Bill No. 1060;
- (2) revenue bonds in Senate Bill No. 370; and
- (3) revenue bond accounts in House Bill No. 3189.

**SECTION 10. CONSTITUTIONAL FUNDS.** Section 2 of this Act does not apply to funds or accounts that would be created or re-created in the Texas Constitution or revenue that would be dedicated or rededicated by the Texas Constitution under constitutional amendments proposed by the 75th Legislature, Regular Session, 1997, or to dedicated revenue deposited to funds or accounts that would be so created or re-created. Funds, accounts, and revenue exempted under this section include the following:

- (1) the Texas tomorrow fund in House Joint Resolution No. 8 and House Bill No. 9;
- (2) the crime victims compensation fund and the crime victims auxiliary fund in Senate Joint Resolution No. 33 and House Bill No. 3062;
- (3) lottery and property tax revenue in House Joint Resolution No. 4 or House Bill No. 4;
- (4) the Texas growth fund II in House Bill No. 138 or similar legislation; and
- (5) the Texas water development fund II in Senate Joint Resolution No. 17 or similar legislation.

**SECTION 11. LICENSE PLATE FEES.** Effective August 30, 1997, revenue consisting of fees collected from the sale of motor vehicle license plates that are authorized by an Act of the 75th Legislature, Regular Session, 1997, that becomes law are exempt from Section 2 of this Act and Section 403.095, Government Code.

**SECTION 12. COURT COSTS.** Effective August 30, 1997, revenue consisting of court costs authorized by an Act of the 75th Legislature, Regular Session, 1997, that becomes law are exempt from Section 2 of this Act and Section 403.095, Government Code.

**SECTION 13. AMENDMENT.** Effective September 1, 1997, Sections 403.095(b) and (c), Government Code, are amended to read as follows:

(b) Notwithstanding any law dedicating or setting aside revenue for a particular purpose or entity, dedicated revenues that, on August 31, ~~1999~~ [1997], exceed the amount appropriated are available for general governmental purposes. The comptroller shall develop accounting and revenue estimating procedures so that each dedicated account maintained in the general revenue fund can be separately identified as to balances of cash and other assets and the amounts of revenues and expenditures and appropriations for each fiscal year. Following certification of the General Appropriations Act and other appropriations measures, the comptroller shall reduce each dedicated account by the amount by which estimated revenues and unobligated balances exceed appropriations. The reductions may be made in the amounts and at the times necessary so that cash flow considerations allow all the dedicated accounts to maintain adequate cash balances to transact routine business. The legislature may authorize, in the General Appropriations Act, the temporary delay of the excess balance reduction required for accounts under this subsection that exceed

the amount appropriated for the dedicated purposes. This subsection does not apply to revenues in:

- (1) funds outside the treasury;
  - (2) trust funds, which for purposes of this section include funds that may or are required to be used in whole or in part for the acquisition, development, construction, or maintenance of state and local government infrastructures, recreational facilities, or natural resource conservation facilities;
  - (3) funds created by the constitution or a court; or
  - (4) funds for which separate accounting is required by federal law.
- (c) The availability of revenues for general governmental purposes conferred by Subsection (b) expires on September 1, 1999 [1997].

SECTION 14. AMENDMENT. The heading to and Subsection (a) of Section 2201.003, Government Code, are amended to read as follows:

Sec. 2201.003. TRANSFERS FROM CAPITAL TRUST ~~[RELATION TO GENERAL REVENUE]~~ FUND. (a) Interest earned by ~~[Income from]~~ the fund shall be deposited to the credit of the housing trust ~~[general revenue]~~ fund.

SECTION 15. EFFECT OF ACT. This Act prevails over any other Act of the 75th Legislature, Regular Session, 1997, regardless of the relative dates of enactment, that purports to create or re-create a special fund or account in the state treasury or to dedicate or rededicate revenue to a particular purpose, including any fund, account, or revenue dedication abolished under former Section 403.094, Government Code. Revenues that, under the terms of another Act of the 75th Legislature, Regular Session, 1997, would be deposited to the credit of a special account or fund shall be deposited to the credit of the unobligated portion of the general revenue fund, unless the fund, account, or dedication is exempted under this Act.

SECTION 16. EMERGENCY. 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 3061 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 3061**, A bill to be entitled An Act relating to regulation of the import, export, and management of deer, providing penalties.

On motion of Representative Hightower, the house concurred in the senate amendments to **HB 3061**.

#### **Senate Amendment No. 1**

Amend **HB 3061** in SECTION 1 of the bill, proposed Section 43.601, Parks and Wildlife Code (Senate committee printing, page 1, between lines 22 and 23), by adding new Subsection (c) to read as follows:

(c) If a special season with a special bag limit is established by the commission for holders of a deer management permit, the holder of the permit may not receive compensation for granting any other person permission to kill a wild deer during that special season on acreage covered by the permit.



**HB 3234 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3234**, A bill to be entitled An Act relating to the transfer of municipal hospital authority assets for health-related projects.

On motion of Representative Hinojosa, the house concurred in the senate amendments to **HB 3234** by (Record 611): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Finnell; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; 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; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Wise; Wohlgermuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores.

Absent, Excused, Committee Meeting — Chisum; Hernandez; Hilbert; Williamson; Wilson.

Absent — Alvarado; Dutton; Farrar; Patterson; Smith; Turner, S.

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

Amend **HB 3234** as follows:

(1) In SECTION 2, Subsection (a) of Section 262.005, Health and Safety Code, (page 1, line 14, engrossed version), after "body" strike "and the authority provide" and add "provides"

(2) In SECTION 2, Subsection (a) of Section 262.005, Health and Safety Code (page 1, line 17, engrossed version), after "The" strike "authority and the"

**Senate Amendment No. 2**

Amend **HB 3234**, on page 1, as follows:

1) Delete lines 32-37, and substitute as follows:

"The authority and the governing body shall not transfer the assets of the authority without due compensation except to the municipality or county that created the authority to fund or support health-related projects."

2) Delete lines 40-44, and substitute as follows:

"The authority shall transfer proceeds from the sale of a hospital or part

of a hospital to the municipality or county that created the authority to fund or support health-related projects."

3) Delete lines 47-51, and substitute as follows:

"Sec. 262.037. HEALTH-RELATED PROJECTS. An Authority shall transfer assets to the municipality or county that created the authority to fund or support health-related projects."

### **HJR 104 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HJR 104**, A joint resolution proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.

On motion of Representative Mowery, the house concurred in the senate amendments to **HJR 104** by (Record 612): 137 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Finnell; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; 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, E.; Rhodes; Roman; Sadler; Seaman; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores.

Absent, Excused, Committee Meeting — Chisum; Hernandez; Hilbert; Williamson; Wilson.

Absent — Dutton; Farrar; Reyna, A.; Smith; Wohlgemuth.

#### **Senate Amendment No. 1**

Amend **HJR 104** on third reading by striking SECTION 7 of the resolution, which amends Section 3, Article VII, Texas Constitution, and renumbering the subsequent sections appropriately.

**HB 3019 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Allen submitted the following conference committee report on **HB 3019**:

Austin, Texas, May 29, 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 3019** 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.

Brown	Allen
Bivings	Chisum
Fraser	Howard
Lindsay	
Nixon	

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

**HB 3019**, A bill to be entitled An Act relating to permit exemptions under the Texas Clean Air Act for construction or modification of certain facilities.

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

SECTION 1. Section 382.057(a), Health and Safety Code, is amended to read as follows:

(a) Consistent with Section 382.0511, the commission by rule may exempt from the requirements of Section 382.0518 changes within any ~~a permitted~~ facility and certain types of facilities if it is found on investigation that such changes or types of facilities will not make a significant contribution of air contaminants to the atmosphere. The commission by rule shall exempt from the requirements of Section 382.0518 or issue a standard permit for the installation of emission control equipment that constitutes a modification or a new facility, subject to such conditions restricting the applicability of such exemption or standard permit that the commission deems necessary to accomplish the intent of this chapter. The commission may not exempt any facility or any modification of an existing facility defined as "major" under the federal Clean Air Act or regulations adopted under that Act. Nothing in this subsection shall be construed to limit the commission's general power to control the state's air quality under Section 382.011(a).

SECTION 2. Not later than December 1, 1998, the Texas Natural Resource Conservation Commission shall develop a voluntary emissions reduction plan for the permitting of existing significant sources.

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.

Representative Allen moved to adopt the conference committee report on **HB 3019**.

The motion prevailed.

### **HB 311 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Place submitted the following conference committee report on **HB 311**:

Austin, Texas, May 29, 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 311** 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.

Patterson	Place
Brown	Dunnam
Whitmire	Farrar
Fraser	Hinojosa
Armbrister	Keel
On the part of the Senate	On the part of the House

**HB 311**, A bill to be entitled An Act relating to the prosecution of certain offenses involving firearms, illegal knives, clubs, or prohibited weapons.

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

SECTION 1. Section 46.02, Penal Code, is amended to read as follows:

Sec. 46.02. UNLAWFUL CARRYING WEAPONS. (a) A person commits an offense if he intentionally, knowingly, or recklessly carries on or about his person a handgun, illegal knife, or club.

(b) ~~It is a defense to prosecution under this section that the actor was, at the time of the commission of the offense:~~

~~[(1) in the actual discharge of his official duties as a member of the armed forces or state military forces as defined by Section 431.001, Government Code, or as an employee of a penal institution;~~

~~[(2) on his own premises or premises under his control unless he is an employee or agent of the owner of the premises and his primary responsibility is to act in the capacity of a security guard to protect persons or property, in which event he must comply with Subdivision (5);~~

~~[(3) traveling;~~

~~[(4) engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or was directly en route between the premises and the actor's residence, if the weapon is a type commonly used in the activity;~~

~~[(5) a person who holds a security officer commission issued by the Texas Board of Private Investigators and Private Security Agencies, if:~~

~~[(A) he is engaged in the performance of his duties as a security officer or traveling to and from his place of assignment;~~

~~[(B) he is wearing a distinctive uniform; and~~

~~[(C) the weapon is in plain view; or~~

~~[(7) carrying a concealed handgun and a valid license issued under Article 4413(29cc), Revised Statutes, to carry a concealed handgun of the same category as the handgun the person is carrying;~~

~~[(7) a person who holds a security officer commission and a personal protection authorization issued by the Texas Board of Private Investigators and Private Security Agencies and who is providing personal protection under the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes);~~

~~[(7) a holder of an alcoholic beverage permit or license or an employee of a holder of an alcoholic beverage permit or license if the actor is supervising the operation of the permitted or licensed premises;~~

~~[(c) It is a defense to prosecution under this section for the offense of carrying a club that the actor was, at the time of the commission of the offense, a noncommissioned security guard at an institution of higher education who carried a nightstick or similar club, and who had undergone 15 hours of training in the proper use of the club, including at least seven hours of training in the use of the club for nonviolent restraint. For the purposes of this section, "nonviolent restraint" means the use of reasonable force, not intended and not likely to inflict bodily injury.~~

~~[(d) It is a defense to prosecution under this section for the offense of carrying a firearm or carrying a club that the actor was, at the time of the commission of the offense, a public security officer employed by the adjutant general under Section 431.029, Government Code, and was performing official duties or traveling to or from a place of duty;~~

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

~~(c) [(f)] An offense under this section is a felony of the third degree if the offense is committed on any premises licensed or issued a permit by this state for the sale of alcoholic beverages.~~

SECTION 2. Section 46.03(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes [;] with a firearm, illegal knife, club, or prohibited weapon listed in Section 46.05(a) [~~he intentionally, knowingly, or recklessly goes~~]:

(1) on the physical premises of a school or educational institution, any grounds or building on which an activity sponsored by a school or educational institution is being conducted, or a passenger transportation vehicle of a school or educational institution, whether the school or educational institution is public or private, unless pursuant to written regulations or written authorization of the institution;

(2) on the premises of a polling place on the day of an election or while early voting is in progress;

(3) in any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;

(4) on the premises of a racetrack; or

(5) in or into a secured area of an airport.

SECTION 3. Sections 46.03(b) and (c), Penal Code, are amended to read as follows:

(b) It is a defense to prosecution under Subsections (a)(1)-(4) that the actor possessed a firearm while in the actual discharge of his official duties as a [~~peace officer or a~~] member of the armed forces or national guard or a guard employed by a penal institution, or an officer of the court.

(c) In this section:

(1) "Premises" has the meaning assigned by Section 46.035.

(2) "Secured [~~secured~~] area" means an area of an airport terminal building to which access is controlled by the inspection of persons and property under federal law.

SECTION 4. Section 46.15, Penal Code, is amended to read as follows:

Sec. 46.15. NONAPPLICABILITY [~~TO PEACE OFFICERS~~]. (a) Sections 46.02 and 46.03 do not apply to peace officers and neither section prohibits a peace officer from carrying a weapon in this state, regardless of whether the officer is engaged in the actual discharge of the officer's duties while carrying the weapon.

(b) Section 46.02 does not apply to a person who:

(1) is in the actual discharge of official duties as a member of the armed forces or state military forces as defined by Section 431.001, Government Code, or as an employee of a penal institution who is performing a security function;

(2) is on the person's own premises or premises under the person's control unless the person is an employee or agent of the owner of the premises and the person's primary responsibility is to act in the capacity of a security guard to protect persons or property, in which event the person must comply with Subdivision (5);

(3) is traveling;

(4) is engaging in lawful hunting, fishing, or other sporting activity on the immediate premises where the activity is conducted, or is en route between the premises and the actor's residence, if the weapon is a type commonly used in the activity;

(5) holds a security officer commission issued by the Texas Board of Private Investigators and Private Security Agencies, if:

(A) the person is engaged in the performance of the person's duties as a security officer or traveling to and from the person's place of assignment;

(B) the person is wearing a distinctive uniform; and

(C) the weapon is in plain view;

(6) is carrying a concealed handgun and a valid license issued under Article 4413(29ee), Revised Statutes, to carry a concealed handgun of the same category as the handgun the person is carrying;

(7) holds a security officer commission and a personal protection authorization issued by the Texas Board of Private Investigators and Private Security Agencies and who is providing personal protection under the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes); or

(8) holds an alcoholic beverage permit or license or is an employee of a holder of an alcoholic beverage permit or license if the person is supervising the operation of the permitted or licensed premises.

(c) The provision of Section 46.02 prohibiting the carrying of a club does not apply to a noncommissioned security guard at an institution of higher education who carries a nightstick or similar club, and who has undergone 15 hours of training in the proper use of the club, including at least seven hours of training in the use of the club for nonviolent restraint. For the purposes of this subsection, "nonviolent restraint" means the use of reasonable force, not intended and not likely to inflict bodily injury.

(d) The provisions of Section 46.02 prohibiting the carrying of a firearm or carrying of a club do not apply to a public security officer employed by the adjutant general under Section 431.029, Government Code, in performance of official duties or while traveling to or from a place of duty.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Representative Place moved to adopt the conference committee report on **HB 311**.

A record vote was requested.

The motion prevailed by (Record 613): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hartnett; Hawley; Heflin; Hightower; 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; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbrank.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores.

Absent, Excused, Committee Meeting — Chisum; Hernandez; Hilbert; Williamson; Wilson.

Absent — Smith.

**SB 1425 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Horn, the house granted the request of the senate for the appointment of a conference committee on **SB 1425**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 1425**: Horn, chair, Denny, Holzheuser, Ramsay, and B. Turner.

**SB 133 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Dutton, the house granted the request of the senate for the appointment of a conference committee on **SB 133**.

The speaker announced the appointment of the following conference committee, on the part of the house, on **SB 133**: Dutton, chair, Goodman, Hochberg, Sadler, and Williamson.

**HB 1856 - VOTE RECONSIDERED**

Representative Telford moved to reconsider the vote by which the house discharged the conferees and concurred in senate amendments to **HB 1856**.

The motion to reconsider prevailed.

**HB 1856 - HOUSE DISCHARGES CONFEREES  
HOUSE CONCURS IN SENATE AMENDMENTS**

Representative Telford moved to discharge the conferees and concur in the senate amendments to **HB 1856**.

A record vote was requested.

The motion prevailed by (Record 614): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berlanga; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Hawley; Heflin; Hightower; 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.; 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; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

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



Absent, Excused — Flores.

Absent, Excused, Committee Meeting — Chisum; Hernandez; Hilbert; Williamson; Wilson.

Absent — Grusendorf; Lewis, R.; Smith.

### **HB 99 - VOTE RECONSIDERED**

Representative Gray moved to reconsider the vote by which the house concurred in senate amendments to **HB 99**.

The motion to reconsider prevailed.

### **HB 99 - HOUSE CONCURS IN SENATE AMENDMENTS**

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

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

On motion of Representative Gray, the house concurred in the senate amendments to **HB 99** by (Record 615): 139 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brimer; Burnam; Carter; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davila; Davis; Delisi; Denny; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Galloway; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hawley; Heflin; Hightower; Hilderbran; Hill; Hinojosa; Hirschi; Hochberg; Hodge; Holzhauser; Horn; Howard; Hunter; Hupp; Isett; Jackson; Janek; Jones, D.; Jones, J.; Junell; Kamel; Keel; Keffer; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; 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; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Hartnett.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores.

Absent, Excused, Committee Meeting — Chisum; Hernandez; Hilbert; Williamson; Wilson.

Absent — Berlanga; Smith.

(Wilson now present)

**HR 1288 - ADOPTED**  
**(by Price)**

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 1288**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1288**, Honoring the house floor staff for their hard work during the 75th Legislative Session.

**HR 1288** was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 1288** as signers thereof.

**HR 1289 - ADOPTED**  
**(by Price)**

Representative Price moved to suspend all necessary rules to take up and consider at this time **HR 1289**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1289**, Honoring the employees of the House Business Office.

**HR 1289** was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 1289** as signers thereof.

**HCR 146 - ADOPTED**  
**(by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 146**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HCR 146**, In memory of James T. "Happy" Shahan.

**HCR 146** was unanimously adopted by a rising vote.

On motion of Representative Cuellar, the names of all the members of the house were added to **HCR 146** as signers thereof.

**HR 1284 - ADOPTED**  
**(by Allen)**

The speaker laid before the house the following privileged resolution:

**HR 1284**

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 **HB 1301** to consider and take action on the following matter:

House Rule 13, Sections 9(a)(2) and (3), are suspended to permit the committee in renumbered SECTION 4 of the bill to strike "issued to a nongovernmental entity under 18 U.S.C. Section 1761" and substitute "issued before January 1, 1993, under 18 U.S.C. Section 1761".

Explanation: This change is necessary to provide a more accurate description of entities previously certified under federal law.

**HR 1284** was adopted without objection.

**HR 1291 - ADOPTED**  
(by Thompson)

The speaker laid before the house the following privileged resolution:

**HR 1291**

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 20** to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add new SECTIONS 5 and 6 of the bill to read as follows:

SECTION 5. Section 24.185, Government Code, is amended to read as follows:

Sec. 24.185. 83RD JUDICIAL DISTRICT (PECOS, TERRELL, REAGAN, VAL VERDE, AND UPTON COUNTIES). (a) The 83rd Judicial District is composed of Pecos, Terrell, Reagan, Val Verde, and Upton counties.

(b) The 83rd and 112th district courts have concurrent jurisdiction in Pecos, Reagan, and Upton counties.

(c) The 83rd and the 63rd district courts have concurrent jurisdiction in Terrell and Val Verde counties.

(d) The terms of the 83rd District Court begin:

(1) on the second [~~ninth~~] Monday [~~after the first Mondays~~] in January and July;

(2) in Reagan County on the 14th Monday after the first Mondays in January and July; and

(3) in Upton County on the 12th Monday after the first Mondays in January and July.

(e) [~~(d)~~] In each of the counties of Pecos, Terrell, Val Verde, and Upton, a petition or other pleading filed in the district courts is sufficient if addressed "To The District Court of Pecos County, Texas," or "To The District Court of Terrell County, Texas." or "To The District Court of Upton County, Texas," or "To The District Court of Val Verde County, Texas." respectively, without giving the number of the district court in the address.

~~(e) The secretary of state shall submit the changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, to the U.S. Justice Department for preclearance under Section 5 of the federal Voting Rights Act~~

~~of 1965 as amended (42 U.S.C. Section 1973 et seq.). The changes made to this section by H.B. 3235 of the 74th Legislature, Regular Session, become inoperative if the U.S. Justice Department files a timely objection pursuant to Section 5 of the Voting Rights Act of 1965 as amended.]~~

SECTION 6. Section 43.133, Government Code, is amended to read as follows:

Sec. 43.133. 63RD JUDICIAL DISTRICT. (a) The voters of the 63rd Judicial District elect a district attorney.

(b) The district attorney for the 63rd district also acts as district attorney for the 83rd Judicial District in Terrell and Val Verde counties.

Explanation: These additions are necessary to add Terrell and Val Verde counties to the 83rd Judicial District.

**HR 1291** was adopted without objection.

**HR 1285 - ADOPTED**  
**(by Maxey)**

The speaker laid before the house the following privileged resolution:

**HR 1285**

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 30** to consider and take action on the following matters:

(1) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add "or an ICF-MR facility" to the last sentence of added Section 32.039(u), Human Resources Code, so that the last sentence reads as follows:

This subsection does not apply to a person who operates a nursing facility or an ICF-MR facility.

Explanation: This change is necessary to provide an exemption from a mandatory punitive provision for ICF-MR facilities similar to the exemption provided for nursing facilities.

(2) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add "or an ICF-MR facility" to the last sentence of added Section 32.039(v), Human Resources Code, so that the last sentence reads as follows:

This subsection does not apply to a person who operates a nursing facility or an ICF-MR facility.

Explanation: This change is necessary to provide an exemption from a mandatory punitive provision for ICF-MR facilities similar to the exemption provided for nursing facilities.

(3) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add "or an ICF-MR facility" in amended Section 36.005(a)(1), Human Resources Code, so that Subdivision (1) reads as follows:

(1) shall suspend or revoke:

(A) a provider agreement between the department or agency and a person, other than a person who operates a nursing facility or an ICF-MR facility, found liable under Section 36.052; and

(B) a permit, license, or certification granted by the

department or agency to a person, other than a person who operates a nursing facility or an ICF-MR facility, found liable under Section 36.052; and

Explanation: This change is necessary to provide an exemption from a mandatory punitive provision for ICF-MR facilities similar to the exemption provided for nursing facilities.

(4) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add "or an ICF-MR facility and who is" in amended Section 36.005(a)(2), Human Resources Code, so that Subdivision (2) reads as follows:

(2) may suspend or revoke:

(A) [~~(1)~~] a provider agreement between the department or agency and a person who operates a nursing facility or an ICF-MR facility and who is found liable under Section 36.052 [~~36.004~~]; or

(B) [~~(2)~~] a permit, license, or certification granted by the department or agency to a person who operates a nursing facility or an ICF-MR facility and who is found liable under Section 36.052 [~~36.004~~].

Explanation: This change is necessary to conform with the change explained in Item (3) of this resolution.

(5) House Rule 13, Section 9(a)(3), is suspended to permit the committee to add "or an ICF-MR facility" to the last sentence of amended Section 36.005(b), Human Resources Code, so that the last sentence reads:

This subsection does not apply to a person who operates a nursing facility or an ICF-MR facility.

Explanation: This change is necessary to provide an exemption from a mandatory punitive provision for ICF-MR facilities similar to the exemption provided for nursing facilities.

**HR 1285** was adopted without objection.

**HR 1293 - ADOPTED**  
**(by B. Turner)**

The speaker laid before the house the following privileged resolution:

**HR 1293**

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 841** to consider and take action on the following specific matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add the following text on a matter that is not included in either the house or senate version of the bill:

SECTION \_\_\_\_\_. The Property Taxation Professional Certification Act (Article 8885, Revised Statutes) is amended by adding Section 11B to read as follows:

Sec. 11B. EXCEPTION FOR OFFICER WHO HAS APPROVED AN INTERLOCAL GOVERNMENTAL CONTRACT. A tax assessor-collector for a county with a population of 240,000 or less who has approved a contract under Section 6.24(b), Tax Code, providing for another taxing unit or an appraisal district to perform duties related to the assessment or collection of taxes for the county is exempt from Section 11 of this Act.

**EXPLANATION:** This addition is necessary to exempt from the obligation to register with the Board of Tax Professional Examiners a tax assessor-collector for a county with a population of 240,000 or less who has approved a contract under Section 6.24(b), Tax Code, providing for another taxing unit or an appraisal district to perform duties related to the assessment or collection of taxes for the county.

**HR 1293** was adopted without objection.

**HR 1274 - ADOPTED  
(by Holzheuser)**

The speaker laid before the house the following privileged resolution:

**HR 1274**

BE IT RESOLVED by the House of Representatives of the State of Texas, 75th Legislature, Regular Session, 1997, That House Rule 13, Sections 9(a) and 9(c), 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 862** to consider and take action on the following specific matter:

House Rule 13, Sections 9(a)(4) and 9(c)(5), are suspended to permit the committee to add an appropriately numbered SECTION to the bill to read as follows:

SECTION \_\_. Section 151.317(c)(2), Tax Code, is amended to read as follows:

(2) "Commercial use" means use by a person engaged in selling, warehousing, or distributing a commodity or a professional or personal service, but does not include:

(A) use by a person engaged in:

(i) processing tangible personal property for sale as tangible personal property, other than preparation or storage of food for immediate consumption;

(ii) exploring for, producing, or transporting, a material extracted from the earth;

(iii) agriculture, including dairy or poultry operations and pumping for farm or ranch irrigation;

(iv) electrical processes such as electroplating, electrolysis, and cathodic protection; [or]

(v) the off-wing processing, overhaul, or repair of a jet turbine engine or its parts for a certificated or licensed carrier of persons or property; or

(vi) providing, under contracts with or on behalf of the United States government or foreign governments, defense or national security-related electronics, classified intelligence data processing and handling systems, or defense-related platform modifications or upgrades; or

(B) a direct or indirect use, consumption, or loss of electricity by an electric utility engaged in the purchase of electricity for resale.

**Explanation:** The conference committee requests this suspension of limitations because of the need to assure that the use of gas and electricity in contracted activities relating to defense or national security-related electronics,

classified intelligence data processing and handling systems, or defense-related platform modifications or upgrades is not subject to unfair taxation.

**HR 1274** was adopted without objection. (Finnell recorded voting present, not voting)

### INTRODUCTION OF GUEST

The speaker recognized Representative Counts, who introduced Wyman Heinzer.

**HCR 80**, designating Wyman Heinzer as Texas State Photographer, having been previously adopted, was read.

### HR 1290 - ADOPTED (by Berlanga)

Representative Berlanga moved to suspend all necessary rules to take up and consider at this time **HR 1290**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1290**, Honoring Officer Curtis Abbott for his rescue of a drowning man.

**HR 1290** was adopted without objection.

On motion of Representative Oakley, the names of all the members of the house were added to **HR 1290** as signers thereof.

### HR 1287 - ADOPTED (by Berlanga)

Representative Berlanga moved to suspend all necessary rules to take up and consider at this time **HR 1287**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

**HR 1287**, In memory of Dr. Oscar D. Yancey.

**HR 1287** was unanimously adopted by a rising vote.

On motion of Representative Oakley, the names of all the members of the house were added to **HR 1287** as signers thereof.

(Berlanga in the chair)

### HR 492 - ADOPTED (by Oakley)

Representative Oakley moved to suspend all necessary rules to take up and consider at this time **HR 492**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 492**, In memory of Benito Carmona, Sr.

**HR 492** was unanimously adopted by a rising vote.

**HR 1262 - ADOPTED**  
(by Keel)

Representative Talton moved to suspend all necessary rules to take up and consider at this time **HR 1262**.

The motion prevailed without objection.

The chair laid before the house the following resolution:

**HR 1262**, Congratulating Rocco Piazza on winning the Lake Travis High School Pride and Spirit Award.

**HR 1262** was adopted without objection.

**CONGRATULATORY AND MEMORIAL CALENDAR**

The chair laid before the house the following memorial resolutions:

**HCR 298** was previously adopted.

**SCR 108** (E. Reyna - House Sponsor), In memory of Judge Mike Schuille.

**HR 1009** (by Oliveira), In memory of Tomas Guajardo.

**HR 1023** (by Woolley), In memory of Robert "Bob" Longo.

**HR 1049** (by Shields), In memory of John Earl "Jack" Fulbright.

**HR 1055** (by Pitts), In memory of the Reverend Robert W. Richmond.

**HR 1081** (by McClendon), In memory of Mahulda Williams.

**HR 1089** (by Chavez), In memory of Jose "Rocky" Galarza.

**HR 1099** (by Pitts), In memory of Alvin A. "Bud" Owen.

**HR 1109** (by Alexander), In memory of James Harold "Hal" Scott.

**HR 1110** (by A. Reyna), In memory of Charles G. Ynman, Sr.

**HR 1113** (by Gutierrez), In memory of Joe Vera, Jr.

**HR 1178** (by Hartnett), In memory of Donald R. McCarrell.

**HR 1186** (by Hunter), In memory of Darrel Knight.

**HR 1193** (by Eiland), In memory of Edward R. "Tim" Thompson, Jr.

**HR 1239** (by Palmer), In memory of Patsy Winn Garner.

The resolutions were unanimously adopted by a rising vote.

On motion of Representative Alexander, the names of all the members of the house were added to **HR 1178** as signers thereof.

The chair laid before the house the following congratulatory resolutions:

**HCR 284** (by Gallego), Recognizing Gallego's Mexican Food Restaurant for 62 years of service to the people of Alpine.

**HCR 290** was previously adopted.



**HCR 310** was previously adopted.

**HCR 311** was previously adopted.

**SCR 93** was read at the end of the congratulatory portion of the calendar.

**SCR 94** (Kuempel - House Sponsor), Commending the Natural Resources Foundation of Texas for its work in establishing the Natural Resources Academies.

**SCR 106** (Swinford - House Sponsor), Commending the Canadian Wildcats High School girls track team.

**SCR 107** (Galloway - House Sponsor), Honoring McShan Florist, Inc.

**HR 1006** (by Uher), Honoring Sharon Carter.

**HR 1015** (by Merritt), Congratulating the Reverend and Mrs. K. F. Charles on the occasion of their 50th wedding anniversary.

**HR 1027** (by Oliveira), Commemorating the 150th anniversary of the founding of Brownsville.

**HR 1028** (by Clark), Honoring Della Mathis for her exceptional service to her church and community.

**HR 1029** (by Madden), Honoring Al Ruschhaupt for his many years of community service.

**HR 1030** (by Madden), Honoring Dr. Edward J. Harpham on his receipt of the Chancellor's Council Outstanding Teaching Award for 1996-1997.

**HR 1033** (by Christian), Congratulating Ben Meeks on being named a State Bowl finalist for the second consecutive year.

**HR 1034** (by Christian), Congratulating Matt Middleton on winning the state individual championship of the Texas Future Problem Solving Bowl.

**HR 1050** (by Serna), Commending the Honorable Vince Munoz for his accomplishments as governor of the Tigua Indian Reservation.

**HR 1059** (by Pitts), Congratulating the Waxahachie High School Jazz Ensemble on being invited to perform at the Montreux Jazz Festival.

**HR 1065** (by Madden), Recognizing June 5, 1997, as Girl Scout Gold Award Day in Texas and honoring the recipients of this prestigious honor.

**HR 1069** (by Junell), Congratulating Byron E. "Sonny" Cleere on the occasion of his 65th birthday.

**HR 1072** (by Kubiak), Commemorating the 110th anniversary of Mount Zion Baptist Church in Lyons.

**HR 1075** (by Pitts), Congratulating Evelyn Duffy Pitts on the occasion of her graduation from Southern Methodist University.

**HR 1077** (by McClendon), Congratulating Cherice Cochrane on receiving the Girl Scout Gold Award.

**HR 1078** (by McClendon), Congratulating Danielle Robinson on receiving the Girl Scout Gold Award.

**HR 1079** (by McClendon), Congratulating Lindsey Keys on receiving the Girl Scout Gold Award.

**HR 1080** (by McClendon), Congratulating Janelle Gale on receiving the Girl Scout Gold Award.

**HR 1082** (by Wohlgemuth), Congratulating the Meridian High School boys' golf team on winning the 1997 Class 1-A state championship.

**HR 1090** (by Chavez and Serna), Honoring Maria Cedillos on the occasion of her 113th birthday.

**HR 1093** (by Counts), Congratulating the Rule High School academic team on winning the 1997 Class 1A state championship.

**HR 1094** (by Counts), Congratulating the Hawley High School girls softball team on winning the 1997 UIL Class 2A state championship.

**HR 1095** (by Kubiak), Paying tribute to the life of Elizabeth Dragoo Gilliland.

**HR 1096** (by Kubiak), Recognizing members of the Giddings High School track and field teams.

**HR 1100** (by Palmer), Commending the Texas Commission on the Arts and encouraging the promotion of the Texas Commission on the Arts license plate program.

**HR 1104** (by Gallego), Recognizing Iraan Elementary School.

**HR 1112** (by Maxey), Commending the United Court of Austin, Inc., for its service in behalf of HIV/AIDS and breast cancer treatment and prevention.

**HR 1114** (by Marchant), Congratulating Emily Kay Balanoff on being named best actress in a comedy by the Austin Critics Table.

**HR 1115** (by Kubiak), Commemorating the history of the community of Dime Box.

**HR 1116** (by Gutierrez), Honoring Brenda Lee Huerta.

**HR 1121** was previously adopted.

**HR 1123** (by Rabuck), Commemorating Montgomery County as the birthplace of the Lone Star Flag.

**HR 1124** was previously adopted.

**HR 1125** was withdrawn.

**HR 1126** (by Keel), Commending the Police Ice program on the occasion of its fifth anniversary.

**HR 1127** (by Goolsby), Honoring the Texas Association of Insurance Agents on the occasion of its centennial.

**HR 1128** (by Goolsby), Honoring Timothy J. Brady, president of the Texas Association of Insurance Agents.

**HR 1137** (by Rhodes), Honoring Billy and Virginia Cozart on the occasion of their 50th wedding anniversary.

**HR 1140** was withdrawn.

**HR 1141** (by Hodge), Honoring Mary Malone for her community service.

**HR 1144** (by Yarbrough), Congratulating Jason Nicholas Swint on attaining the rank of Eagle Scout.

**HR 1147** was previously adopted.

**HR 1148** (by McClendon), Recognizing Jack and Almeda DeV Vaughn for their efforts in behalf of the Salado Creek Open Space Corridor and Nature Trail Study Group.

**HR 1149** (by McClendon), Honoring Joe Goodman.

**HR 1150** (by McClendon), Honoring Jerry Lehman.

**HR 1151** (by McClendon), Honoring Jerry Kneupper.

**HR 1152** (by McClendon), In memory of the San Antonio firefighters who have died in the line of duty.

**HR 1153** (by McClendon), Honoring R. Elaine Miller.

**HR 1154** was previously adopted.

**HR 1155** (by McClendon), Honoring Glynn Bell for her contributions to the community.

**HR 1156** (by McClendon), Honoring Arlene Washington for her contributions to the community.

**HR 1157** (by McClendon), Honoring Mary Armstrong for her contributions to the community.

**HR 1160** (by Denny), Recognizing June 7, 1997, as Ralph Moody Hall Day in Texas.

**HR 1161** (by Maxey), Honoring Zavala Elementary School on receiving a national Blue Ribbon School award.

**HR 1162** (by Maxey), Honoring Smith Elementary School in Del Valle on being named a Blue Ribbon School.

**HR 1165** was withdrawn.

**HR 1167** (by Greenberg), Congratulating Rick Schafer on being named the 1996 Citizen of the Year by the Oak Hill Business and Professional Association.

**HR 1168** (by Elkins), Congratulating Reed Hilary Ellis Johnson on his graduation from kindergarten.

**HR 1172** was previously adopted.

**HR 1173** (by Woolley), Congratulating W. Christopher Caudill on attaining the rank of Eagle Scout.

**HR 1174** was previously adopted.

**HR 1179** (by Keffer), Commending Lacy Turner for her heroic actions.

**HR 1180** was previously adopted.

**HR 1184** (by Wise), Honoring A. N. Rico Elementary School.

**HR 1185** (by Wise), Honoring Raul Longoria Elementary School.

**HR 1187** (by Wise), Honoring Leoline Horton Elementary School.

**HR 1188** (by Wise), Honoring North Alamo Elementary School.

**HR 1189** (by Wise), Honoring Pharr Elementary School.

**HR 1190** (by Krusee), Recognizing the Georgetown Barbecue Cookoff as a Texas Championship Barbecue Cookoff.

**HR 1191** (by Wise), Honoring Memorial Elementary School.

**HR 1192** (by Wise), Honoring Leonel Trevino Elementary School.

**HR 1194** (by Wise), Honoring North Bridge Elementary School.

**HR 1195** (by Wise), Honoring Airport Elementary School.

**HR 1196** (by Wise), Commending Franklin Elementary School.

**HR 1197** (by Wise), Honoring Taylor Elementary School.

**HR 1198** (by Wise), Honoring Doedyns Elementary School.

**HR 1199** (by Wise), Commending Whitney Elementary School.

**HR 1200** (by Wise), Commending Carman Elementary School.

**HR 1201** (by Wise), Commending Zeferino Farias Elementary School.

**HR 1202** (by Wise), Honoring North San Juan Elementary School.

**HR 1203** (by Wise), Commending Napper Elementary School.

**HR 1204** (by Wise), Commending Progreso Elementary School.

**HR 1205** (by Wise), Honoring Daniel Ramirez Elementary School.

**HR 1206** (by Wise), Commending Geraldine Palmer Elementary School.

**HR 1207** was withdrawn.

**HR 1208** (by Wise), Commending Garza-Pena Elementary School.

**HR 1209** (by Wise), Honoring Ford Elementary School.

**HR 1210** (by Wise), Commending Buell Elementary School.

**HR 1212** (by Wise), Honoring Travis Elementary School.

**HR 1213** (by Wise), Commending Carnahan Elementary School.

**HR 1215** (by Wise), Honoring Clecker-Heald Elementary School.

**HR 1216** (by Wise), Honoring Sorensen Elementary School.

**HR 1219** (by Gutierrez), Honoring Dr. Maria C. Alen.

**HR 1220** (by Chavez), Honoring Adrian Rodriguez for his contributions to the 75th Legislative Session.

**HR 1221** (by Chavez), Honoring Naomi Mier for her contributions to the 75th Legislative Session.

**HR 1222** (by Chavez), Honoring Alexandra Jojin for her contributions to the 75th Legislative Session.

**HR 1223** was previously adopted.

**HR 1227** (by Hartnett), Honoring John Brett for his community service.

**HR 1236** (by Palmer), Congratulating Edward and Billye Tracy on the occasion of their 50th wedding anniversary.

**HR 1237** (by Palmer), Congratulating J. A. and Lillian Hardee on the occasion of their 50th wedding anniversary.

**HR 1238** (by Palmer), Congratulating Glenn and Marie Crockett on the occasion of their 50th wedding anniversary.

The resolutions were adopted without objection.

On motion of Representative Finnell, the names of all the members of the house were added to **HR 1006**, **HR 1093**, and **HR 1227** as signers thereof.

(Hernandez now present)

**SCR 93 - ADOPTED**  
**(Kuempel - House Sponsor)**

The chair laid before the house the following resolution:

**SCR 93**, Designating the first week of April, 1997, as Texas Natural Resources Week.

**Amendment No. 1**

On behalf of Representative Kuempel, Representative Edwards offered the following amendment to **SCR 93**:

Amend **SCR 93** by striking lines 20-22 on page 1 and substituting the following:

"RESOLVED, That the 75th Legislature of the State of Texas hereby designate the first week of April 1997 and the first week of April 1998 each as Texas Natural Resources Week and encourage its observance throughout the state."

Amendment No. 1 was adopted without objection.

**SCR 93**, as amended, was adopted without objection.

(Speaker in the chair)

(Hilbert now present)

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Public Health, on adjournment today, Desk 138, to consider **HR 1254**.

**PROVIDING FOR ADJOURNMENT**

Representative Stiles moved that, pending the receipt of a message from the senate, the house adjourn until 10 a.m. tomorrow in memory of Pete Gilvin of Amarillo.

The motion prevailed without objection.

(Speaker pro tempore in the chair)

### MESSAGE FROM THE SENATE

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

### ADJOURNMENT

In accordance with a previous motion, the house, at 6:05 p.m., adjourned until 10 a.m. tomorrow.

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### ADDENDUM

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### REFERRED TO COMMITTEES

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

#### List No. 1

**HCR 315** (by Berlanga), Addressing the Legislature's intent in establishing Limited Banking Associations.  
To Financial Institutions.

**HCR 318** (by Alvarado), In memory of the Honorable Ralph Webster Yarborough.  
To Rules & Resolutions.

**HCR 319** (by Merritt), Recommending that the Railroad Commission of Texas conduct a study of the East Texas Oil Field.  
To Energy Resources.

**HCR 320** (by Alvarado), Congratulating former State Representative Karyne Jones Conley on her new position with SBC Telecommunications, Inc., in Washington, D.C.  
To Rules & Resolutions.

**HR 1176** (by Kubiak), Commemorating the 1997 Woodfork family reunion.  
To Rules & Resolutions.

**HR 1177** (by Kubiak), Commemorating the 125th anniversary of Holy Cross Lutheran Church in Warda.  
To Rules & Resolutions.

**HR 1183** (by Longoria), Recognizing radio station KCOR in San Antonio.  
To Rules & Resolutions.

**HR 1229** (by Madden), Requesting the Texas Veterinary Medical Association to work with local rabies control authorities to increase rates of rabies vaccinations.  
To Agriculture & Livestock.

**HR 1232** (by Maxey), Congratulating Fulmore Middle School on winning a 1997 Award for Excellence in Texas School Health.

To Rules & Resolutions.

**HR 1240** (by McClendon), Recognizing picante sauce as the Official State Sauce of Texas.

To State, Federal & International Relations.

**HR 1242** (by Gutierrez), Congratulating Daniel Escobar on his achievements as an actor.

To Rules & Resolutions.

**HR 1243** (by Wise), Commending Antonio M. Ochoa Elementary School.

To Rules & Resolutions.

**HR 1244** (by Wise), Commending Daniel Salinas II Elementary School.

To Rules & Resolutions.

**HR 1245** (by Wise), Commending B. G. Guzman Elementary School.

To Rules & Resolutions.

**HR 1246** (by Wise), Commending Juan W. Caceres Elementary School.

To Rules & Resolutions.

**HR 1247** (by Wise), Commending Magin Rivas Elementary School.

To Rules & Resolutions.

**HR 1248** (by Wise), Commending Runn Elementary School.

To Rules & Resolutions.

**HR 1249** (by Wise), Commending J. P. Lenoir Elementary School.

To Rules & Resolutions.

**HR 1250** (by Wise), Commending Bowie Elementary School.

To Rules & Resolutions.

**HR 1251** (by Wise), Commending Clover Elementary School.

To Rules & Resolutions.

**HR 1252** (by Christian), Congratulating Samuel Clayton "Ted" Hicks and Annie Marie McLemore Hicks on their 60th wedding anniversary.

To Rules & Resolutions.

**HR 1253** (by D. Jones), In memory of John Lowery.

To Rules & Resolutions.

**HR 1254** (by Hirschi), Encouraging the Texas Department of Health to continue to promote tobacco use prevention education and cessation programs.

To Public Health.

**HR 1256** (by Flores), Honoring Pearson Elementary School in Mission on being designated a National Title I Distinguished School by the U.S. Department of Education.

To Rules & Resolutions.

**HR 1258** (by McClendon), Honoring Linda Billa Burke.

To Rules & Resolutions.

**HR 1259** (by McClendon), Honoring Lou Miller.

To Rules & Resolutions.

**HR 1261** (by Hamric), Honoring the Reverend Father Louis J. Christopulos for his service to the Annunciation Greek Orthodox Cathedral in Houston.

To Rules & Resolutions.

**HR 1262** (by Keel), Congratulating Rocco Piazza on winning the Lake Travis High School Pride and Spirit Award.

To Rules & Resolutions.

**HR 1263** (by Tillery), Honoring Mesquite Independent School District for winning a 1997 Award for Excellence in Texas School Health.

To Rules & Resolutions.

**HR 1264** (by West), Congratulating Vickie Gomez on her receipt of the Mujeres que Pueden, or Women who Can award.

To Rules & Resolutions.

**HR 1266** (by McClendon), Commemorating the 50th anniversary of St. Stephen Baptist Church in San Antonio.

To Rules & Resolutions.

**HR 1268** (by Gutierrez), Congratulating Eunice R. Escobar and Dean Pledger on the occasion of their wedding.

To Rules & Resolutions.

**HR 1270** (by McClendon), Honoring Wray Hood for her contributions to the community.

To Rules & Resolutions.

**HR 1271** (by Solis), Honoring Memorial Junior High School principal Guillermo Rodriguez on the occasion of his retirement.

To Rules & Resolutions.

**HR 1272** (by Chavez), Honoring Rocio Toriz for her contributions to the 75th Legislative Session.

To Rules & Resolutions.

**HR 1275** (by Gallego), Honoring William G. Laitner for his service to the Amistad National Recreation Area.

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. 75**

**HB 51, HB 196, HB 242, HB 251, HB 328, HB 330, HB 438, HB 506, HB 580, HB 591, HB 607, HB 670, HB 677, HB 724, HB 970, HB 1142, HB 1161, HB 1324, HB 1465, HB 1516, HB 1548, HB 1553, HB 1908, HB 2065, HB 2128, HB 2214, HB 2332, HB 2491, HB 2541, HB 2736, HB 2827, HB 2866, HB 2984, HB 3062, HB 3088, HB 3194, HB 3370, HB 3583, HB 3602, HCR 86, HCR 215, HCR 269, HCR 281**



**House List No. 76**

**HB 331, HB 623, HB 1370, HB 1410, HB 1716, HB 1843, HB 1868, HB 1891, HB 2189, HB 2297, HB 2383, HB 2644, HB 3545, HCR 316**

**Senate List No. 39**

**SB 24, SB 34, SB 55, SB 102, SB 115, SB 185, SB 211, SB 241, SB 258, SB 324, SB 349, SB 472, SB 527, SB 548, SB 633, SB 656, SB 665, SB 701, SB 756, SB 877, SB 1063, SB 1069, SB 1102, SB 1232, SB 1240, SB 1247, SB 1263, SB 1276, SB 1384, SB 1438, SB 1581, SB 1653, SB 1766, SB 1810, SB 1814, SB 1937, SB 1955, SCR 51, SCR 77, SCR 102, SCR 104, SJR 33**

**MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 30, 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 CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

- SB 121** (viva-voce vote)
- SB 581** (viva-voce vote)
- SB 839** (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 1898**

Senate Conferees: Ratliff - Chair/Brown/Sibley/Truan/Zaffirini/

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

- HB 2777** (viva-voce vote)
- HB 2906** (viva-voce vote)

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 2**MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Friday, May 30, 1997 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 239** Hunter SPONSOR: Patterson  
Honoring Brigadier General Bertus Leroy Sisco of the Texas State Guard.

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

**SB 1114** (viva-voce vote)**SB 1161** (viva-voce vote)**SB 1176** (viva-voce vote)**SB 1249** (viva-voce vote)

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

**HB 972**

Senate Conferees: Whitmire - Chair/Duncan/Gallegos/Moncrief/Patterson, Jerry/

**HB 1200**

Senate Conferees: Brown - Chair/Armbrister/Lindsay/Nelson/Whitmire/

**HB 1230**

Senate Conferees: Duncan - Chair/Bivins/Fraser/Haywood/Madla/

**HB 1301**

Senate Conferees: Whitmire - Chair/Patterson, Jerry/Shapiro/Shapleigh/Wentworth/

**HB 2837**

Senate Conferees: Ellis - Chair/Barrientos/Lindsay/Lucio/Wentworth/

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**HB 2918** (viva-voce vote)

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 30, 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:

**HCR 302**            McCall                    SPONSOR: Zaffirini  
Instructing the enrolling clerk of the House to make technical corrections to **HB 39**.

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

**SB 542**            (viva-voce vote)

**SB 897**            (viva-voce vote)

**SB 1292**          (31 YEAS, 0 NAYS)

**SB 1437**          (31 YEAS, 0 NAYS)

**SB 1674**          (viva-voce vote)

**SB 1831**          (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 1100**

Senate Conferees: Wentworth - Chair/Cain/Carona/Gallegos/Patterson, Jerry/

**SB 1440**

Senate Conferees: Wentworth - Chair/Armbrister/Brown/Ogden/West, Royce/

**SB 1563**

Senate Conferees: Wentworth - Chair/Cain/Duncan/Luna, Gregory/Ogden/

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

**HB 907**

Senate Conferees: Shapiro - Chair/Fraser/Nixon, Drew/Patterson, Jerry/Ratliff/

**HB 951**

Senate Conferees: Wentworth - Chair/Bivins/Cain/Ellis/Moncrief/

**HB 1285**

Senate Conferees: Wentworth - Chair/Cain/Carona/Ellis/Lindsay/

**HB 1391**

Senate Conferees: Barrientos - Chair/Carona/Shapleigh/Sibley/Truan/

**HB 2088**

Senate Conferees: Zaffirini - Chair/Carona/Gallegos/Galloway, Michael/Madla/

**HB 2850**Senate Conferees: Galloway, Michael - Chair/Gallegos/Lindsay/Nixon, Drew/  
Whitmire/**HB 2914**Senate Conferees: Galloway, Michael - Chair/Brown/Gallegos/Lindsay/Nixon,  
Drew/**HB 3157**

Senate Conferees: Wentworth - Chair/Bivins/Brown/Cain/Whitmire/

**HB 3350**

Senate Conferees: Sibley - Chair/Armbrister/Nelson/Patterson, Jerry/Shapiro/

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE  
COMMITTEE REPORTS:**HB 966** (viva-voce vote)**HB 2964** (viva-voce vote)**SB 823** (viva-voce vote)

Respectfully,

Betty King  
Secretary of the Senate**Message No. 4**MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Friday, May 30, 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 CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 861** (31 YEAS, 0 NAYS)

**SB 1190** (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 133**

Senate Conferees: Bivins - Chair/Fraser/Haywood/Ratliff/Sibley/

**SB 360**

Senate Conferees: Armbrister - Chair/Brown/Nixon, Drew/Sibley/Truan/

**SB 1425**

Senate Conferees: Nelson - Chair/Brown/Cain/Galloway, Michael/Shapiro/

**SB 1873**

Senate Conferees: Bivins - Chair/Fraser/Haywood/Ratliff/Sibley/

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

**HB 976**

Senate Conferees: Armbrister - Chair/Duncan/Moncrief/Shapleigh/Sibley/

**HB 1305**

Senate Conferees: Armbrister - Chair/Barrientos/Duncan/Moncrief/Sibley/

**HB 1525**

Senate Conferees: Sibley - Chair/Ellis/Patterson, Jerry/Ratliff/Shapiro/

**HB 1526**

Senate Conferees: Sibley - Chair/Ellis/Patterson, Jerry/Ratliff/Shapiro/

**HB 1941**

Senate Conferees: Armbrister - Chair/Brown/Lucio/Nixon, Drew/Ogden/

**HB 2001**

Senate Conferees: Sibley - Chair/Cain/Duncan/Moncrief/Wentworth/

**HB 2437**

Senate Conferees: Sibley - Chair/Harris/Lucio/Madla/Shapiro/

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

**SB 1865** (31 YEAS, 0 NAYS)

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 30, 1997 - 5

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 312**            Dutton                            SPONSOR: Bivins  
Designating October 15, 1997, and October 21, 1998, as Legislators in Schools Day.

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

**SB 576**            (viva-voce vote)

**SB 1107**           (viva-voce vote)

**SB 1539**           (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 1395**

Senate Conferees: Lindsay - Chair/Lucio/Luna, Gregory/Moncrief/Shapleigh/

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

**HB 2697**

Senate Conferees: Ellis - Chair/Cain/Lucio/Madla/Wentworth/

THE SENATE HAS RECOMMITTED THE FOLLOWING MEASURES TO CONFERENCE COMMITTEE:

**HB 2846**           (non-record vote)

Respectfully,

Betty King  
Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

May 29

Public Health - **HR 1057**

**ENROLLED**

May 29 - **HB 51, HB 196, HB 242, HB 251, HB 328, HB 330, HB 506, HB 580, HB 970, HB 1142, HB 1144, HB 1324, HB 1516, HB 1548, HB 1553, HB 1908, HB 1917, HB 2065, HB 2101, HB 2128, HB 2214, HB 2541, HB 2736, HB 2827, HB 2866, HB 2984, HB 3370, HCR 45, HCR 86, HCR 124, HCR 213, HCR 215, HCR 269, HCR 277, HCR 281, HCR 299, HCR 301, HCR 304, HCR 307**

**SENT TO THE GOVERNOR**

May 29 - **HB 1703, HB 1751, HB 1756, HB 1780, HB 1960, HB 2078, HB 2169, HB 2202, HB 2203, HB 2213, HB 2221, HB 2222, HB 2227, HB 2257, HB 2273, HB 2309, HB 2564, HB 2622, HB 2633, HB 2634, HB 2671, HB 2731, HB 2749, HB 2779, HB 2795, HB 2868, HB 2919, HB 2982, HB 2997, HB 3027, HB 3074, HB 3076, HB 3077, HB 3078, HB 3105, HB 3106, HB 3176, HB 3330, HB 3368, HB 3436, HB 3437, HB 3557, HB 3566, HB 3569, HB 3591, HCR 2, HCR 23, HCR 149, HCR 151, HCR 156, HCR 168, HCR 209, HCR 211, HCR 212, HCR 228, HCR 232, HCR 235, HCR 236**

**SIGNED BY THE GOVERNOR**

May 29 - **HB 473, HB 574, HB 726, HB 1112, HB 1177, HB 1203, HB 1288, HB 1306, HB 1316, HB 1407, HB 1524, HB 1602, HB 1632, HB 1719, HB 1825, HB 1977, HB 2179, HB 2300, HB 2510, HB 2699, HB 2734, HB 3212, HB 3490, HB 3504, HCR 55, HCR 64, HCR 79, HCR 165, HCR 227, HCR 231, HCR 238, HCR 244, HCR 260**

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