

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

THIRTY-FOURTH DAY — THURSDAY, MARCH 11, 1999

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 36).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Cuellar; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Berman; Culberson; Oliveira; Palmer.

The invocation was offered by Bishop David Houston, Smith Temple Church of God in Christ, Tyler, as follows:

Oh Lord, Our God, how excellent is thy name in all the earth! Thou from whom we come, in whom we live, and to whom we go. We thank you for the gift of life and for all thy many blessings to us.

We thank you Lord that we are blessed to live in this country where the government is not a terror to the people, but of the people, for the people, and by the people.

We pray for men everywhere: especially for kings, rulers, and all those in authority.

We pray for the healing of this nation. Heal us, forgive us, save us, sustain us.

Remember your people everywhere: especially those who have their back against the wall, pressed there many times by circumstances beyond their control. Pressed there by war, natural disasters, poverty, racism, disease, and ignorance.

Keep us safe until we see thy face.

In the name of him who was, who is, and who is to come.

Amen.

LEAVES OF ABSENCE GRANTED

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

Berman on motion of Goolsby.

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

Culberson on motion of Hill.

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

Palmer on motion of Hill.

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

Oliveira on motion of Naishtat.

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).

CAPITOL PHYSICIAN

The speaker recognized Representative Homer who presented Dr. I. L. Balkcom of Sulphur Springs as the "Doctor for the Day."

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

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. 20).

LEAVE OF ABSENCE GRANTED

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

Noriega on motion of Farrar.

**HCR 77 - ADOPTED
(by West and Salinas)**

Representatives West and Salinas moved to suspend all necessary rules to take up and consider at this time **HCR 77**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 77, Commending Bobbie Duncan for her contributions to education in the State of Texas.

HCR 77 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative West, who introduced Bobbie Duncan and her husband.

INTRODUCTION OF GUESTS

The speaker recognized Representative Rangel, who introduced Stephen J. "Tio" Kleberg and his family and friends.

HCR 3, honoring Stephen J. "Tio" Kleberg for his lifetime achievements, having been previously adopted, was read.

HR 364 - ADOPTED
(by Elkins)

Representative Elkins moved to suspend all necessary rules to take up and consider at this time **HR 364**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 364, Honoring Jessica Marie Eccles for completing the Stairway of the Stars achievement program.

HR 364 was adopted without objection.

HR 365 - ADOPTED
(by Elkins)

Representative Elkins moved to suspend all necessary rules to take up and consider at this time **HR 365**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 365, Honoring Priscilla Dominick Eguia for completing the Stairway of the Stars achievement program.

HR 365 was adopted without objection.

HR 366 - ADOPTED
(by Elkins)

Representative Elkins moved to suspend all necessary rules to take up and consider at this time **HR 366**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 366, Honoring Jessica Ann Mayo for completing the Stairway of the Stars achievement program.

HR 366 was adopted without objection.

HR 367 - ADOPTED
(by Elkins)

Representative Elkins moved to suspend all necessary rules to take up and consider at this time **HR 367**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 367, Honoring Ariana Alicia Reyes for completing the Stairway of the Stars achievement program.

HR 367 was adopted without objection.

HR 368 - ADOPTED
(by Elkins)

Representative Elkins moved to suspend all necessary rules to take up and consider at this time **HR 368**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 368, Honoring Jennifer Nicole Shoemaker for completing the Stairway of the Stars achievement program.

HR 368 was adopted without objection.

HR 369 - ADOPTED
(by Elkins)

Representative Elkins moved to suspend all necessary rules to take up and consider at this time **HR 369**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 369, Honoring Lindsey Dianne King for completing the Stairway of the Stars achievement program.

HR 369 was adopted without objection.

HR 370 - ADOPTED
(by Elkins)

Representative Elkins moved to suspend all necessary rules to take up and consider at this time **HR 370**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 370, Honoring Elizabeth Grace Elkins for completing the Stairway of the Stars achievement program.

HR 370 was adopted without objection.

HR 405 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 405**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 405, In memory of Robert Cauthorn, Jr.

HR 405 was read and was unanimously adopted by a rising vote.

On motion of Representative Uher, the names of all the members of the house were added to **HR 405** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Gallego, who introduced the family of Robert Cauthorn, Jr.

LEAVE OF ABSENCE GRANTED

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

Nixon on motion of Isett.

HR 401 - ADOPTED (by Lengefeld)

Representative Lengefeld moved to suspend all necessary rules to take up and consider at this time **HR 401**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 401, Recognizing March 11, 1999, as Copperas Cove Day at the State Capitol.

(Speaker pro tempore in the chair)

HR 401 was read and was adopted without objection.

(Speaker in the chair)

HR 174 - ADOPTED (by McReynolds)

Representative McReynolds moved to suspend all necessary rules to take up and consider at this time **HR 174**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 174, Honoring the Texas Silver-Haired Legislature.

HR 174 was read and was adopted without objection.

On motion of Representative Seaman, the names of all the members of the house were added to **HR 174** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative McReynolds, who introduced the officers of the Texas Silver-Haired Legislature.

HR 407 - ADOPTED
(by Truitt)

Representatives Truitt and Carter moved to suspend all necessary rules to take up and consider at this time **HR 407**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 407, Commending the members of Leadership Greater Keller and welcoming them to the State Capitol.

HR 407 was read and was adopted without objection.

On motion of Representative Carter, the names of all the members of the house were added to **HR 407** as signers thereof.

HR 408 - ADOPTED
(by Mowery)

Representative Mowery moved to suspend all necessary rules to take up and consider at this time **HR 408**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 408, Honoring Pat DeWoody for her service to Southwest Christian School.

HR 408 was adopted without objection.

HR 268 - ADOPTED
(by Haggerty)

Representative Haggerty moved to suspend all necessary rules to take up and consider at this time **HR 268**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 268, Honoring the teaching and coaching career of Cathedral High School principal Leo G. Cancellare.

HR 268 was adopted without objection.

HR 409 - ADOPTED
(by Thompson)

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 409**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 409, Extending best wishes to the clergy and members of Pine Oak "The Cornerstone" Missionary Baptist Church on the occasion of its 6th anniversary.

HR 409 was adopted without objection.

HR 404 - ADOPTED
(by Merritt)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 404**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 404, Honoring Sharonica Powell, the 1998 Reading Is Fundamental National Poster Contest Winner.

HR 404 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Merritt, who introduced Sharonica Powell, her parents, and her sister.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

EMERGENCY CALENDAR
SENATE BILLS
THIRD READING

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

SB 472 ON THIRD READING
(Junell - House Sponsor)

SB 472, A bill to be entitled An Act relating to making an emergency general appropriations.

A record vote was requested.

SB 472 was passed by (Record 37): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Cuellar; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman;

Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Berman; Culberson; Nixon; Noriega; Oliveira; Palmer.

The speaker stated that **SB 472** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

SB 290 ON THIRD READING

(Craddick, Junell, Hawley, Chisum, and West - House Sponsors)

SB 290, A bill to be entitled An Act relating to a temporary exemption from the severance tax for oil and gas produced from wells under certain market conditions.

Amendment No. 1

Representative Burnam offered the following amendment to **SB 290**:

Amend **SB 290** on third reading by adding the following new SECTION 3 to read as follows and renumbering existing SECTION 3 as SECTION 4:

SECTION 3. (a) Subtitle E, Title 2, Tax Code, is amended by adding Chapter 161 to read as follows:

CHAPTER 161. PUBLIC UTILITY COAL TAX

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 161.001. DEFINITIONS. In this chapter:

- (1) "Coal" includes lignite.
- (2) "Lignite" means coal commonly referred to as brown coal, of intermediate grade between peat and bituminous coal.
- (3) "Public utility" means:
 - (A) a water and sewer utility, as defined by Section 13.002, Water Code;
 - (B) an electric utility, as defined by Section 31.002, Utilities Code;
 - (C) a gas utility, as defined by Section 101.003, Utilities Code.
- (4) "Use" includes storage for use in this state, but does not include storage for use or shipment out of this state.

[Sections 161.002-161.0020 reserved for expansion]

SUBCHAPTER B. IMPOSITION AND COLLECTION OF TAX

Sec. 161.021. TAX IMPOSED. (a) A tax is imposed on the purchase in this state of coal for use in this state by a public utility engaged in business in this state.

(b) A tax is imposed on the use of any coal in this state by a public utility engaged in business in this state.

Sec. 161.022. RATE OF TAX. The rate of the taxes imposed by this chapter is 7.5 percent of the price paid for the coal by the public utility.

Sec. 161.023. USE TAX DEDUCTION. A public utility may deduct from the amount of tax otherwise imposed by Section 161.021 (b) the amount of tax reported and paid under Section 161.021(a).

Sec. 161.024. PAYMENT OF TAX. On or before the 25th day of each month, each public utility shall send to the comptroller the amount of tax due under this chapter for the preceding month.

Sec. 161.025. REPORTS. (a) On or before the 25th day of each month, each public utility shall file with the comptroller a report stating:

(1) the amount of coal purchased by the public utility for use in this state and used in this state during the preceding month;

(2) the price of that coal; and

(3) any other information required by the comptroller.

(b) A public utility that does not purchase or use coal during a month is not required to file a report under Subsection (a).

(c) To determine eligibility for the exemption provided by Subsection (b), the comptroller may require a public utility to file an information report with the comptroller that contains any information the comptroller requires for that determination.

Sec. 161.026. RECORDS. A public utility shall keep a complete record of:

(1) the use of coal in this state by the public utility;

(2) the amount of coal purchased by the public utility for use in this state; and

(3) any other information required by the comptroller.

[Sections 161.027-161.050 reserved for expansion]

SUBCHAPTER C. PENALTIES AND OFFENSES

Sec. 161.051. INTEREST ON DELINQUENT TAX. A tax imposed by this chapter that is delinquent draws interest as provided by Section 111.060.

Sec. 161.052. PENALTY. (a) A person on whom a tax is imposed by this chapter and who fails to file a report as required by this chapter or does not pay the tax when it is due forfeits to the state a penalty of 12 percent of the amount of tax delinquent.

(b) If a report required by this chapter is not filed or a tax imposed by this chapter is not paid within 30 days after it is due, the person on whom the tax is imposed forfeits to the state a penalty of an additional 12 percent of the amount of tax delinquent.

(c) The minimum penalty under this section is \$1.

Sec. 161.053. CRIMINAL PENALTY. (a) A person who violates this chapter commits an offense.

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

[Section 161.054-161.070 reserved for expansion]

SUBCHAPTER D. ALLOCATION

Sec. 161.071. ALLOCATION OF TAX REVENUE. All of the revenue from the tax imposed by this chapter shall be deposited to the credit of the general revenue fund.

(b) This section takes effect December 1, 1999, and applies to coal purchased by a public utility on or after that date.

Amendment No. 1 was withdrawn.

A record vote was requested.

SB 290 was passed by (Record 38): 128 Yeas, 8 Nays, 7 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Capelo; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddock; Crownover; Cuellar; Danburg; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusey; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Olivo; Pickett; Pitts; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wohlgenuth; Wolens; Woolley.

Nays — Alvarado; Bailey; Burnam; Garcia; Longoria; Puente; Tillery; Wilson.

Present, not voting — Mr. Speaker(C); Chavez; Davis, Y.; Luna; Moreno, P.; Yarbrough; Zbrank.

Absent, Excused — Berman; Culberson; Nixon; Noriega; Oliveira; Palmer.

Absent—Wise.

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to Rule 4, Section 9, Representative Uher requested that the committees and subcommittees scheduled to meet today be permitted to meet while the house is in session pending reading and referral of bills, receipt of messages from the senate, and signing of measures in the presence of the house.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Appropriations, Subcommittee on Tobacco Settlement, on adjournment today, appropriations committee room, for a public hearing, to consider the tobacco settlement.

PROVIDING FOR ADJOURNMENT

Representative Edwards moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the receipt of messages from the senate, and the signing of bills in the presence of the house, the house adjourn until 10 a.m. Monday, March 15.

The motion prevailed without objection.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before

the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HOUSE AT EASE

At 11:46 a.m., the speaker announced that the house would stand at ease.

The speaker called the house to order at 12:37 p.m.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 2 and 3).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 6).

ADJOURNMENT

In accordance with a previous motion, the house, at 12:38 p.m., adjourned until 10 a.m. Monday, March 15.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HB 2 (by Swinford, Hawley, Hilderbran, B. Turner, Flores, et al.), Relating to agricultural policy, assistance, and opportunities.

To Agriculture & Livestock.

HB 10 (by Gallego), Relating to nonpartisan elections for statewide judicial office, to the regulation of political contributions and expenditures in connection with statewide judicial office, and to the public financing of campaigns for statewide judicial office; providing civil and criminal penalties.

To Judicial Affairs.

HB 2601 (by Dukes), Relating to caseload assignments for certain employees of the Department of Protective and Regulatory Services.

To Human Services.

HB 2602 (by Dukes), Relating to the performance of a private commercial contractor that provides a service of a state agency.

To State Affairs.

HB 2603 (by Solomons), Relating to appropriations to historical foundations by certain counties.

To County Affairs.

HB 2604 (by Solomons), Relating to screening for criminal history of applicants for certain financial assistance.

To Higher Education.

HB 2605 (by Solomons), Relating to providing a right of rescission for certain owners executing residential construction contracts for improvements on homestead property.

To Business & Industry.

HB 2606 (by Solomons), Relating to the revision of the uniform law on secured transactions.

To Business & Industry.

HB 2607 (by Zbranek), Relating to educational services for certain children incarcerated in private juvenile detention facilities.

To Public Education.

HB 2608 (by Greenberg), Relating to grants in support of pre-reading instruction.

To Public Education.

HB 2609 (by Greenberg), Relating to the provision of scholarships and wage supplementation for professional child-care workers.

To Economic Development.

HB 2610 (by Greenberg), Relating to the voting status of a county assessor-collector serving on the board of directors of an appraisal district.

To Ways & Means.

HB 2611 (by Greenberg), Relating to electronic reporting of certain political contributions and political expenditures.

To Elections.

HB 2612 (by Greenberg), Relating to reporting of political contributions and expenditures by certain out-of-state political committees.

To Elections.

HB 2613 (by Greenberg), Relating to longevity pay for certain state employees.

To Appropriations.

HB 2614 (by Counts), Relating to creation of a county alliance to jointly authorize the creation of a development corporation.

To Economic Development.

HB 2615 (by Counts), Relating to the application of the oil and gas severance taxes to high-cost gas production and inactive oil and gas leases.

To Ways & Means.

HB 2616 (by Counts), Relating to the Garza County Health Care District.

To County Affairs.

HB 2617 (by Bosse), Relating to the continuation and functions of the Texas Board of Private Investigators and Private Security Agencies; providing a penalty.

To Public Safety.

HB 2618 (by Gray), Relating to the authority of a municipality to lease or sell property used for the purpose of operating certain properties located on certain state-owned lands.

To Land & Resource Management.

HB 2619 (by Ramsay), Relating to the collection and management of used oil filters; providing civil and administrative penalties.

To Environmental Regulation.

HB 2620 (by Ramsay), Relating to authorizing counties to prohibit or restrict outdoor burning; providing a criminal penalty.

To County Affairs.

HB 2621 (by Palmer), Relating to the installation of asbestos in public buildings; providing a civil penalty.

To Public Health.

HB 2622 (by Chavez), Relating to the authority of the governing board of an institution of higher education to waive certain fees.

To Higher Education.

HB 2623 (by Maxey), Relating to the regulation of the application of aquatic pesticides; providing a civil penalty.

To Environmental Regulation.

HB 2624 (by Maxey), Relating to the Texas Council on Purchasing from People with Disabilities.

To Human Services.

HB 2625 (by Maxey), Relating to the appointment of certain persons as officers or employees of the Texas Natural Resource Conservation Commission and to restrictions on employment following commission service.

To State Affairs.

HB 2626 (by Palmer), Relating to construction and renovation work on county-owned improvements in certain counties.

To Land & Resource Management.

HB 2627 (by Alvarado), Relating to creating offenses for a landlord's failure to provide notice when entering leased residential premises under certain circumstances and for a landlord's failure to provide certain security devices for leased residential premises.

To Business & Industry.

HB 2628 (by Alvarado), Relating to requiring certain persons entering a leased residential dwelling to place a notice of entry inside the dwelling.

To Business & Industry.

HB 2629 (by Alvarado), Relating to the maintenance and use of keys to units in a residential multiunit complex by landlords and contractors.

To Business & Industry.

HB 2630 (by Bosse), Relating to the right of an authorized agent of the Texas Natural Resource Conservation Commission to institute a suit for injunctive relief or a civil penalty for a violation or threat of violation of the law regarding on-site sewage disposal systems.

To Natural Resources.

HB 2631 (by S. Turner), Relating to a grant program for agricultural projects in certain public school districts.

To Agriculture & Livestock.

HB 2632 (by S. Turner), Relating to autopsy reports.

To Criminal Jurisprudence.

HB 2633 (by Gray), Relating to the confidentiality of dental patient records.

To Public Health.

HB 2634 (by Gray), Relating to health benefit plan coverage for certain newborn screening.

To Insurance.

HB 2635 (by Gray), Relating to the regulation of dental hygienists.

To Public Health.

HB 2636 (by Gray), Relating to the assessment of certain fees on persons who perform radiologic procedures.

To Public Health.

HB 2637 (by Gray), Relating to the Texas Department of Health's regulation of certain food establishments.

To Public Health.

HB 2638 (by Gray), Relating to the hazardous substances law; providing penalties.

To Public Health.

HB 2639 (by Gray), Relating to the regulation of ambulatory surgical centers; providing a penalty.

To Public Health.

HB 2640 (by Gray, Bosse, and McCall), Relating to the continuation and functions of the Correctional Managed Health Care Advisory Committee.

To Corrections.

HB 2641 (by Gray, Bosse, and McCall), Relating to the continuation and functions of the Health and Human Services Commission.

To Public Health.

HB 2642 (by Longoria), Relating to requiring certain tract owners to execute a maintenance bond for certain subdivision improvements.

To Land & Resource Management.

HB 2643 (by Longoria), Relating to the form of a proposal guaranty required from a historically underutilized business for a highway improvement contract of the Texas Department of Transportation.

To Transportation.

HB 2644 (by Uher), Relating to the eligibility of a retired peace officer for a license to carry a concealed handgun.

To Public Safety.

HB 2645 (by Uher), Relating to the compulsory attendance age for public schools.

To Public Education.

HB 2646 (by Uher), Relating to the technology access clause in certain state contracts.

To State Affairs.

HB 2647 (by Hartnett), Relating to the procurement of legal services by the Texas Turnpike Authority Division of the Texas Department of Transportation.

To Judicial Affairs.

HB 2648 (by Madden), Relating to the creation of water districts or political subdivisions and the annexation of land by a water district or political subdivision.

To Land & Resource Management.

HB 2649 (by J. Solis), Relating to state contracting with a prospective vendor who restricts the ability of any of its customers to allow the recycling or remanufacturing of the vendor's product.

To State Affairs.

HB 2650 (by Smith), Relating to the adoption of unfunded state mandates on political subdivisions by the legislature.

To State Affairs.

HB 2651 (by Smith), Relating to the detention, involuntary commitment, and treatment of certain pregnant women who abuse alcohol or a controlled substance.

To Public Health.

HB 2652 (by Elkins), Relating to liability for damages arising from failure of computer software to recognize and accurately process certain dates.

To Civil Practices.

HB 2653 (by Elkins), Relating to the law that applies to a contract made over the Internet.

To Business & Industry.

HB 2654 (by Elkins), Relating to the expiration of municipal and county ordinances, orders, and similar acts.

To County Affairs.

HB 2655 (by Elkins), Relating to repossession of a motor vehicle for repair charges.

To Business & Industry.

HB 2656 (by Elkins), Relating to the designation of pawnshops as a permitted use in certain zoning classifications.

To Land & Resource Management.

HB 2657 (by Elkins), Relating to certain disqualifications from eligibility for unemployment benefits.

To Economic Development.

HB 2658 (by Wolens), Relating to the suspension of a person's driver's license following the person's arrest for certain intoxication offenses and to certain procedures related to that suspension.

To Criminal Jurisprudence.

HB 2659 (by Krusee), Relating to the regulation of land development by a political subdivision that affects certain property in certain road districts.

To Land & Resource Management.

HB 2660 (by Swinford), Relating to state drought planning and preparation.

To Natural Resources.

HB 2661 (by Wolens), Relating to ethics in government, including financial disclosure by and standards of conduct applicable to holders of and candidates for certain offices; providing criminal penalties.

To State Affairs.

HB 2662 (by Ramsay), Relating to the functions of certain county purchasing agents.

To County Affairs.

HB 2663 (by Ramsay), Relating to permitting a commissioners court to authorize payment of certain continuing education expenses incurred by elected county and precinct officers.

To County Affairs.

HB 2664 (by George), Relating to authorizing private or independent institutions of higher education to operate a student debit card program

To Higher Education.

HB 2665 (by George), Relating to the immunity from liability of employers who provide certain information to a law enforcement agency.

To Civil Practices.

HB 2666 (by Capelo), Relating to a loan guarantee to convert a contract for deed to a warranty deed.

To Urban Affairs.

HB 2667 (by Capelo), Relating to recognition of the professional designation of an industrial hygienist; providing a civil penalty.

To Business & Industry.

HB 2668 (by Capelo), Relating to accreditation of environmental testing laboratories.

To Environmental Regulation.

HB 2669 (by Capelo), Relating to due process requirements for renewal, modification, or revocation of medical staff membership and privileges.

To Public Health.

HB 2670 (by Talton), Relating to the appeal of a conviction in a justice or municipal court.

To Criminal Jurisprudence.

HB 2671 (by S. Turner), Relating to the admissibility of a statement made by a child and to the requirement that the Department of Protective and Regulatory Services notify the parent or guardian of certain children taken into possession by a law enforcement agency.

To Juvenile Justice & Family Issues.

HB 2672 (by Keel), Relating to the forfeiture of substitute property in a criminal asset forfeiture proceeding.

To Criminal Jurisprudence.

HB 2673 (by Keel), Relating to continuing education programs for peace officers and county jailers.

To Public Safety.

HB 2674 (by Keel), Relating to the basic allotment under the Foundation School Program for mid-sized school districts.

To Public Education.

HB 2675 (by Keel), Relating to the discovery of expert witnesses in a criminal trial.

To Criminal Jurisprudence.

HB 2676 (by Keel), Relating to law enforcement procedures for electronically obtaining data from pawn shops, recording thumbprints on transaction records, and holding hearings for recovery of stolen property.

To Financial Institutions.

HB 2677 (by Goolsby), Relating to the safe use and regulation of fireworks.

To State Affairs.

HB 2678 (by Wilson), Relating to the employment by certain municipalities of persons who reside outside the corporate limits of the municipality.

To Urban Affairs.

HB 2679 (by Sadler), Relating to authorizing a county to require a road use or indemnity agreement for the use of county roads by certain overweight vehicles.

To Transportation.

HB 2680 (by Sadler, Christian, and McReynolds), Relating to exemptions from ad valorem and sales and use taxation of certain timber and certain items used in timber operations and the valuation of certain timber land for ad valorem tax purposes.

To Ways & Means.

HB 2681 (by Bosse), Relating to adoption of the Texas Business Organizations Code; providing penalties.

To Business & Industry.

HB 2682 (by Coleman), Relating to a study of the Harris County Hospital District.

To County Affairs.

HB 2683 (by Coleman), Relating to the development and implementation of Texas Integrated Enrollment Services.

To Human Services.

HB 2684 (by Coleman), Relating to reinvestment zones and their administration.

To Ways & Means.

HB 2685 (by Coleman), Relating to anticipation notes and to short-term obligations of a public utility.

To Public Education.

HB 2686 (by Coleman), Relating to tuition charged for students of optometry.

To Higher Education.

HB 2687 (by Coleman), Relating to the financing of maintenance expenses by school districts and of materials and labor incident to the installation of personal property by school districts and other local governments.

To Public Education.

HB 2688 (by A. Reyna), Relating to a temporary order in a suit affecting the parent-child relationship.

To Juvenile Justice & Family Issues.

HB 2689 (by Counts), Relating to the regulation of telecommunications utilities and to the provision of telecommunications and related services.

To State Affairs.

HB 2690 (by Counts), Relating to the acquisition of small and rural telephone exchanges.

To State Affairs.

HB 2691 (by Counts), Relating to the sale, assignment or transfer of structured settlements.

To Civil Practices.

HB 2692 (by Counts), Relating to universal service revenue recovery and affiliated activities of local exchange telephone companies.

To State Affairs.

HB 2693 (by Hope), Relating to the operation of the East Montgomery County Improvement District.

To County Affairs.

HB 2694 (by Dunnam), Relating to the civil and criminal consequences of operating a motor vehicle, a watercraft, or an aircraft while intoxicated.

To Criminal Jurisprudence.

HB 2695 (by Dunnam), Relating to the civil and criminal consequences of operating a motor vehicle while intoxicated or after having consumed alcohol.

To Criminal Jurisprudence.

HB 2696 (by Averitt), Relating to the application of the Texas Non-Profit Corporation Act and Civil Practice and Remedies Code to charitable trustees.
To Financial Institutions.

HB 2697 (by Hunter), Relating to the appraisal of property for ad valorem tax purposes.
To Ways & Means.

HB 2698 (by Danburg), Relating to the definition of an off-premise sign and the attachment of the nonconforming, off-premise sign status to the original nonconforming, off-premise sign.
To Land & Resource Management.

HB 2699 (by Sadler), Relating to the compensation and benefits of active and retired public school classroom teachers and librarians.
To Public Education.

HB 2700 (by Sadler), Relating to the promotion of public school students based on satisfactory performance on certain assessment instruments, to programs to assist children and school districts in achieving satisfactory performance, and to the admission and attendance of students.
To Public Education.

HB 2701 (by Greenberg), Relating to systems and programs administered by the Teacher Retirement System of Texas.
To Pensions & Investments.

HB 2702 (by Chavez and Coleman), Relating to nutritional assistance for certain legal immigrants.
To Human Services.

HB 2703 (by A. Reyna), Relating to certain written directives for medical treatment.
To Public Health.

HB 2704 (by A. Reyna), Relating to school district special education advocacy programs.
To Public Education.

HB 2705 (by Gallego), Relating to the collection and use of certain money in the judicial and court personnel training fund.
To Judicial Affairs.

HB 2706 (by Gallego), Relating to eligibility for workers' compensation benefits for certain persons who provide volunteer services in a declared emergency.
To Business & Industry.

HB 2707 (by Coleman), Relating to funeral expenses for children in foster care.
To Human Services.

HB 2708 (by Coleman and Chavez), Relating to health benefits plan coverage for certain children.
To Public Health.

HB 2709 (by Thompson), Relating to court reporting firms.
To Judicial Affairs.

HB 2710 (by Thompson), Relating to unfair insurance practices.
To Insurance.

HB 2711 (by Thompson), Relating to restrictions on the deposit and investment of funds of a domestic insurance company.
To Insurance.

HB 2712 (by Dutton), Relating to the eligibility of certain persons to take a high school equivalency examination.
To Public Education.

HB 2713 (by Dutton), Relating to an accelerated education system for students to complete public education requirements.
To Public Education.

HB 2714 (by Dutton), Relating to investigatory and disciplinary interviews for certain fire fighters.
To Urban Affairs.

HB 2715 (by Dutton), Relating to settlement offers in a suit for modification of an order in a suit affecting the parent-child relationship.
To Juvenile Justice & Family Issues.

HB 2716 (by Danburg), Relating to certain reports of political contributions and expenditures by candidates.
To Elections.

HB 2717 (by Brimer), Relating to construction or repair of improvements to real property located in this state.
To Business & Industry.

HB 2718 (by Brimer), Relating to small business assistance provided by the State.
To Economic Development.

HB 2719 (by Swinford), Relating to the promotion of Texas agricultural products; providing a penalty.
To Agriculture & Livestock.

HB 2720 (by Tillery), Relating to certain promotional activities for certain alcoholic beverage permit holders.
To Licensing & Administrative Procedures.

HB 2721 (by Tillery), Relating to requirements for use of certain municipal employees on public works projects.
To Urban Affairs.

HB 2722 (by Hupp), Relating to a registry and reporting requirements concerning immunizations.
To Public Health.

HB 2723 (by Hupp), Relating to the prohibition against the collection of certain information.
To State Affairs.

HB 2724 (by Pickett), Relating to the composition of the El Paso County Juvenile Board.

To Juvenile Justice & Family Issues.

HB 2725 (by Pickett), Relating to the imposition of costs for services of peace officers in criminal cases.

To Criminal Jurisprudence.

HB 2726 (by S. Turner), Relating to telephone prepaid calling services.

To State Affairs.

HB 2727 (by J. Solis), Relating to tech-prep education.

To Higher Education.

HB 2728 (by Driver), Relating to the impoundment of the motor vehicle of a person convicted of certain offenses relating to the operation of a motor vehicle while intoxicated and of certain persons convicted of the offense of driving while a driver's license is suspended.

To Criminal Jurisprudence.

HB 2729 (by Longoria), Relating to regional business certification programs for purchasing by political subdivisions.

To County Affairs.

HB 2730 (by Oliveira), Relating to the authorization of certain franchise tax incentives promoting economic development.

To Ways & Means.

HB 2731 (by B. Turner), Relating to bounties paid for predatory animals.

To State Recreational Resources.

HB 2732 (by Denny), Relating to regulation of quarries or pits in certain counties.

To Land & Resource Management.

HB 2733 (by Keffer), Relating to liability of certain private entities that contract with a public entity to provide transportation services.

To Civil Practices.

HB 2734 (by Cook), Relating to the filing of an affidavit supporting a criminal charge based on the use of a check or similar sight order.

To Criminal Jurisprudence.

HB 2735 (by Dukes), Relating to the authority of the General Services Commission to grant certain interests in certain real property owned by the state.

To Land & Resource Management.

HCR 123 (by Janek), In memory of Ryan Lee "Smiley" Riddle.

To Rules & Resolutions.

HCR 126 (by Uher, Craddick, Laney, and Telford), In memory of the Honorable Ed Howard.

To Rules & Resolutions.

HR 400 (by Dukes), Recognizing the 100th anniversary of Mt. Sinai Missionary Baptist Church.

To Rules & Resolutions.

HR 402 (by Lengefeld), Recognizing March 15, 1999, as Hamilton County Day at the State Capitol.

To Rules & Resolutions.

HR 406 (by McClendon), Honoring Johnny Moore for his athletic and civic achievements.

To Rules & Resolutions.

SB 23 to Criminal Jurisprudence.

SB 50 to Juvenile Justice & Family Issues.

SB 107 to State Affairs.

SB 461 to Criminal Jurisprudence.

SB 752 to Land & Resource Management.

SCR 20 to Public Education.

SIGNED BY THE SPEAKER

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

House List No. 20

HCR 65, HCR 85, HCR 90

Senate List No. 6

SB 290

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Thursday, March 11, 1999

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 95 Moncrief

Relating to studies and strategic plans concerning the delivery of long-term care, community services, and certain health services.

SB 96 Moncrief

Relating to the transfer of licensing, certification, and regulation of home health and community support services agencies.

SB 276 Gallegos

Relating to the creation of the Greater East End Management District; providing authority to impose a tax and issue bonds.

SB 752 Sibley

Relating to residents' voting rights and the right to file for candidacy after an area is annexed by certain small and medium sized municipalities.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, March 11, 1999 - 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:

LOCAL AND UNCONTESTED CALENDAR

SB 11 Zaffirini

Relating to the mental state applicable to certain violations under the state Medicaid program.

SB 70 Brown, J. E. "Buster"

Relating to the statute of limitations for the purpose of prosecuting certain offenses under the Tax Code.

SB 100 Carona

Relating to the design of a quarter dollar coin commemorating the State of Texas.

SB 133 Brown, J. E. "Buster"

Relating to the offense of retaining of lightning whelks caught in shrimp trawls.

SB 153 Harris

Relating to the payment of costs in a proceeding for court-ordered mental health services.

- SB 171** Carona
Relating to expanding the Legion of Valor license plate privilege to the unmarried surviving spouses of veterans.
- SB 212** Duncan
Relating to entrance examinations for beginning positions in the police departments of certain municipalities.
- SB 234** Ellis, Rodney
Relating to the filing of reports with the secretary of state regarding persons licensed by the state.
- SB 254** Madla
Relating to the authority of the director of the Department of Public Safety of the State of Texas to permit the use of triplicate or single prescription forms under the Texas Controlled Substances Act.
- SB 283** West, Royce
Relating to the requirement that a juvenile board adopt guidelines for the informal disposition of a child.
- SB 315** Ellis, Rodney
Relating to authorizing certain prepaid tuition contracts to cover tuition for an additional period of attendance at an institution of higher education.
- SB 334** Sibley
Relating to unemployment compensation benefit eligibility of certain inmates.
- SB 335** Sibley
Relating to a disqualification for receipt of unemployment compensation benefits for a benefit period in which the applicant for benefits works at least 40 hours.
- SB 338** Madla
Relating to the time at which the commissioners court of a county must hold a hearing on a proposed budget.
- SB 343** Ellis, Rodney
Relating to the creation of the self-sufficiency fund to develop job training for certain recipients of Temporary Assistance for Needy Families.
- SB 383** Duncan
Relating to access to criminal history record information by a political subdivision for certain background checks.
- SB 395** Carona
Relating to the employment of a person by counties with civil service systems.
- SB 408** Duncan
Relating to the fee for registration of certain vehicles used for charitable purposes.
- SB 413** Madla
Relating to the regulation of the practice of marriage and family therapy.

- SB 416** Lindsay
Relating to parking privileges for vehicles of certain veterans or the surviving spouses of certain veterans.
- SB 435** Carona
Relating to the deadline for the adoption of an optional exemption from ad valorem taxation on residence homesteads.
- SB 446** Carona
Relating to procedures governing certain ad valorem tax refunds.
- SB 463** Ogden
Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Walker County.
- SB 468** Harris
Relating to licensing requirements for certain persons providing abortion services.
- SB 476** Luna, Gregory
Relating to inclusion of special education students in certain public education decisions.
- SB 478** Carona
Relating to filing of financing statements and certain other filings with the secretary of state.
- SB 479** Carona
Relating to the fee for the electronic filing of a financing statement with the secretary of state.
- SB 511** Madla
Relating to the definition of a dangerous drug.
- SB 517** Shapiro
Relating to automobile clubs.
- SB 589** Nelson
Relating to the creation of a municipal court of record in Farmers Branch.
- SB 607** Fraser
Relating to developing and maintaining a database of the state's defense contractors.
- SB 611** Ogden
Relating to the appointment and duties of criminal magistrates for certain courts of Williamson County.
- SB 612** Ogden
Relating to the creation of a county court at law in Williamson County.
- SB 640** Fraser
Relating to display of the POW/MIA flag.
- SB 641** Fraser
Relating to the reference to the Korean Conflict in the statute authorizing special license plates for Korea veterans.

SB 732 Harris

Relating to authorizing certain governmental entities located in certain municipalities with a development corporation to assess fees with the approval of the municipality.

SCR 6 Harris

Requesting the governor, lieutenant governor, and speaker of the house to establish a Blue Ribbon Task Force to study the uninsured issue.

SCR 15 Ellis, Rodney

Directing the Texas Judicial Council to examine the costs of increasing reimbursement of jurors' expenses to \$40 after the first day of trial and to examine the feasibility of allowing counties to offer incentives to jurors for service.

SCR 23 Ellis, Rodney

Directing the Office of Court Administration to study and develop uniform guidelines for media pooling agreements for courtroom coverage.

SCR 34 Fraser

Supporting the Texas Lone Star Chapter of the Korean War Veterans Organization in their efforts to clarify that the Korean War was a war, not a conflict.

Respectfully,
Betty King

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, March 11, 1999 - 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 9 Junell SPONSOR: Ratliff

Memorializing Congress to not make federal claims against the proceeds of the Texas tobacco settlement.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

March 10

Land & Resource Management - **HB 52, HB 664, HB 960, HB 1362**

ENROLLED

March 10 - HCR 82, HCR 85

SENT TO THE GOVERNOR

March 10 - HCR 82

ADDENDUM

SIGNED BY THE GOVERNOR

March 10 - HCR 3, HCR 7, HCR 8, HCR 15, HCR 29, HCR 30, HCR 33, HCR 46, HCR 55, HCR 60, HCR 76, HCR 79, HCR 81, HCR 92, HCR 93, HCR 97, HCR 98, HCR 100, HCR 103, HCR 107