

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIRST DAY — WEDNESDAY, APRIL 28, 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 161).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; 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.; Kruse; 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; Oliveira; Olivo; Palmer; Pitts; Puente; Ramsay; Rangel; 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 — Crownover.

Absent — Pickett; Reyna, A.

The invocation was offered by Father Ende McKenna, St. Leo's Catholic Church, San Antonio.

LEAVE OF ABSENCE GRANTED

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

Crownover on motion of Hardcastle.

CAPITOL PHYSICIAN

The speaker recognized Representative Naishtat who presented Dr. Denise Taylor of Austin as the "Doctor for the Day."

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

MESSAGE FROM THE SENATE

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 37).

HR 725 - ADOPTED
(by Krusee)

Representative Krusee moved to suspend all necessary rules to take up and consider at this time **HR 725**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 725, Declaring Miss Ruth Mantor a Living Texas Treasure.

HR 725 was read and was adopted without objection.

On motion of Representative Driver, the names of all the members of the house were added to **HR 725** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Krusee, who introduced Ms. Ruth Mantor.

HR 772 - ADOPTED
(by Driver)

Representative Driver moved to suspend all necessary rules to take up and consider at this time **HR 772**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 772, Honoring Jaime Ray Kear for saving his grandfather's life.

HR 772 was read and was adopted without objection.

On motion of Representative Craddick, the names of all the members of the house were added to **HR 772** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Keffer, who introduced officers from the Ranger Historical Preservation Society.

HCR 142, recognizing the Ranger Historical Preservation Society, having been previously adopted, was read.

(Pickett and A. Reyna now present)

HR 649 - ADOPTED
(by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 649**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 649, Honoring San Antonio residents Oscar Vicks, Willie Mitchell, and the Reverend Ron Lister for the heroism they displayed during the October 1998 flood.

HR 649 was read and was adopted without objection.

On motion of Representative G. Lewis, the names of all the members of the house were added to **HR 649** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative McClendon, who introduced Mr. Oscar Vicks and Mr. Willie Mitchell.

HR 742 - ADOPTED (by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 742**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 742, Honoring 11 heroes of the San Antonio Police Department.

HR 742 was read and was adopted without objection.

On motion of Representative G. Lewis, the names of all the members of the house were added to **HR 742** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative McClendon, who introduced officers of the San Antonio Police Department.

HR 747 - ADOPTED (by McClendon)

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 747**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 747, Honoring the members of the San Antonio Fire Department for their courage and dedication as they rescued citizens during the October 1998 flood.

HR 747 was read and was adopted without objection.

On motion of Representative G. Lewis, the names of all the members of the house were added to **HR 747** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative McClendon, who introduced members of the San Antonio Fire Department.

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).

HCR 126 - ADOPTED
(by Uher, Craddick, Laney, and Telford)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HCR 126**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 126, In memory of the Honorable Ed Howard.

HCR 126 was read and was unanimously adopted by a rising vote.

On motion of Representatives Dutton and Hunter, the names of all the members of the house were added to **HCR 126** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Uher, Craddick, and Telford, who introduced the family of the Honorable Ed Howard.

SCR 70 - ADOPTED
(Ramsay - House Sponsor)

Representative Ramsay moved to suspend all necessary rules to take up and consider at this time **SCR 70**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 70, Declaring April 28, 1999, as Wood County Day.

SCR 70 was read and was adopted without objection.

HR 777 - ADOPTED
(by Giddings)

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 777**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 777, Congratulating Pattie Bernice Deal-Jeffries on the occasion of her 65th birthday.

HR 777 was adopted without objection.

HR 778 - ADOPTED
(by Giddings)

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 778**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 778, Honoring Dorothy Redus Robinson on her 90th birthday.

HR 778 was adopted without objection.

HCR 251 - ADOPTED

(by G. Lewis)

Representative G. Lewis moved to suspend all necessary rules to take up and consider at this time **HCR 251**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 251, Recognizing June 1-7, 1999, as National Drug Court Week.

HCR 251 was adopted without objection.

HCR 250 - ADOPTED

(by G. Lewis)

Representative G. Lewis moved to suspend all necessary rules to take up and consider at this time **HCR 250**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 250, Honoring Lucille Presswood and Carter Metropolitan CME Church's Stewardship Committee.

HCR 250 was adopted without objection.

HR 767 - ADOPTED

(by G. Lewis)

Representative G. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 767**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 767, Honoring the District 95 spelling bee winners.

HR 767 was adopted without objection.

HR 766 - ADOPTED

(by G. Lewis)

Representative G. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 766**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 766, Commending legislative field intern Joan Holland.

HR 766 was adopted without objection.

HR 510

HR 510, honoring the University of Texas—Pan American Folkloric Dance Company and Mariachi program, having been previously adopted, was read.

HR 776 - ADOPTED
(by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HR 776**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 776, Commemorating the dedication of the Tippi and Denver Pyle Pavilion on April 30, 1999.

HR 776 was adopted 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.)

HB 1058 - RECOMMENDED

Representative Bosse moved to recommit **HB 1058** from the Committee on Calendars to the Committee on Civil Practices.

The motion prevailed without objection.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

SB 648 ON THIRD READING
(Dutton - House Sponsor)

SB 648, A bill to be entitled An Act relating to the specification of venue for actions arising from certain major transactions.

SB 648 was passed.

SB 950 ON THIRD READING
(Cook - House Sponsor)

SB 950, A bill to be entitled An Act relating to submetered and nonsubmetered water utility service provided to residents of apartment houses and manufactured home rental communities.

SB 950 was passed.

SB 787 ON THIRD READING
(Brimer - House Sponsor)

SB 787, A bill to be entitled An Act relating to the administrative adjudication of parking offenses at certain airports operated jointly by two municipalities.

A record vote was requested.

SB 787 was passed by (Record 162): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; 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; 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; Najera; Nixon; Noriega; Olivo; Palmer; 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.; Uresti; Van de Putte; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Crownover.

Absent — Coleman; Naishtat; Oliveira; Uher; Walker.

SB 1055 ON THIRD READING
(Marchant - House Sponsor)

SB 1055, A bill to be entitled An Act relating to the regulation and operation of credit unions.

SB 1055 was passed.

SB 555 ON THIRD READING
(Hamric - House Sponsor)

SB 555, A bill to be entitled An Act relating to the award of state highway improvement contracts.

SB 555 was passed.

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 574 ON SECOND READING
(Kuempel - House Sponsor)**

SB 574, A bill to be entitled An Act relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

SB 574 was passed to third reading.

**CSSB 287 ON SECOND READING
(Kuempel - House Sponsor)**

CSSB 287, A bill to be entitled An Act relating to the Texas parks and wildlife capital account.

Amendment No. 1

Representative Zbranek offered the following amendment to **CSSB 287**:

Amend **CSSB 287** (House Committee Report) in SECTION 1 of the bill, amended Section 11.043(c), Parks and Wildlife Code (page 1, line 18), before the period at the end of the first sentence of that section, by inserting "and of public access roads to a park, fishery, or wildlife project not owned by the state that have been individually approved by the commission".

Amendment No. 1 was adopted without objection.

CSSB 287, as amended, was passed to third reading.

POSTPONED BUSINESS

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

**SB 1326 ON SECOND READING
(Coleman - House Sponsor)**

SB 1326, A bill to be entitled An Act relating to tuition charged for students of optometry.

SB 1326 was considered in lieu of **HB 2686**.

SB 1326 was read second time and was passed to third reading.

HB 2686 - LAID ON THE TABLE SUBJECT TO CALL

Representative Coleman moved to lay **HB 2686** on the table subject to call.

The motion prevailed without objection.

**SB 142 ON SECOND READING
(Bosse - House Sponsor)**

SB 142, A bill to be entitled An Act relating to enforcement of the Flood Control and Insurance Act in certain counties.

SB 142 was considered in lieu of **HB 1098**.

SB 142 was read second time and was passed to third reading.

HB 1098 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bosse moved to lay **HB 1098** on the table subject to call.
The motion prevailed without objection.

SB 979 ON SECOND READING
(Farabee - House Sponsor)

SB 979, A bill to be entitled An Act relating to the establishment of a medical services fee at Midwestern State University.

SB 979 was considered in lieu of **HB 2089**.

SB 979 was read second time and was passed to third reading.

HB 2089 - LAID ON THE TABLE SUBJECT TO CALL

Representative Farabee moved to lay **HB 2089** on the table subject to call.

The motion prevailed without objection.

SB 222 ON SECOND READING
(Farrar - House Sponsor)

SB 222, A bill to be entitled An Act relating to certain prohibited activities by persons younger than 18 years of age conducted on premises covered by an alcoholic beverage license or permit; providing penalties.

SB 222 was considered in lieu of **HB 874**.

SB 222 was read second time and was passed to third reading.

HB 874 - LAID ON THE TABLE SUBJECT TO CALL

Representative Farrar moved to lay **HB 874** on the table subject to call.
The motion prevailed without objection.

HB 541 ON SECOND READING
(by Maxey)

HB 541, A bill to be entitled An Act relating to an exemption from ad valorem taxation for property of an association of ambulatory health care centers.

HB 541 was read second time on April 27 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Maxey offered the following amendment to **HB 541**:

Amend **HB 541** as follows:

- (1) On page 1, line 23, strike “and”.
- (2) Strike page 2, lines 2 and 3, and substitute the following:

under Section 330, Public Health Service Act (42 U.S.C. Section 254b), and its subsequent amendments; and

(5) does not perform abortions or provide abortion referrals or provide assistance to ambulatory health care centers that perform abortions or provide abortion referrals.

Amendment No. 1 was adopted without objection.

HB 541, as amended, was passed to engrossment.

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 400 ON SECOND READING
(by Thompson, Haggerty, Puente, Naishtat, and Cuellar)

CSHB 400, A bill to be entitled An Act relating to the creation of certain district courts.

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 400**:

Amend **CSHB 400** by:

- (1) On page 1, by deleting lines 15-18; and
- (2) On page 4, by deleting lines 25 and 26.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Williams offered the following amendment to **CSHB 400**:

Amend **CSHB 400** as follows:

- (1) On page 4, line 13, strike “24.542-24.547” and substitute “24.543-24.547”.
- (2) On page 4, strike lines 14-16.
- (3) On page 7, line 21, strike “397th.”.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Uresti offered the following amendment to **CSHB 400**:

Amend **CSHB 400** as follows:

- (1) on page 6, line 10, delete “24.551” and substitute “24.552”.
- (2) on page 6, following line 20, add a new Section 24.552 to read as follows:

Sec. 24.552. 407TH JUDICIAL DISTRICT (BEXAR COUNTY). The 407th Judicial District is composed of Bexar County.

- (3) on page 8, line 12, strike “and 406th” and substitute “406th, and 407th”.

- (4) on page 8, line 15, strike “and 406th” and substitute “406th and 407th”.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative P. Moreno offered the following amendment to **CSHB 400**:

Amend **CSHB 400** as follows:

(1) on page 4, line 13, between the words “24.542-24.547” and “to”, insert “and 24.555”.

(2) on page 5, following line 3, insert a new Section 24.555 to read as follows:

Sec. 24.555. 409TH JUDICIAL DISTRICT (EL PASO COUNTY). The 409th Judicial District is composed of El Paso County.

(3) on page 7, line 21, strike “and 402nd” and substitute “402nd, and 409th”.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Hinojosa offered the following amendment to **CSHB 400**:

Amend **CSHB 400** as follows:

(1) On page 4, lines 12-13, strike “Sections 24.542-24.547” and substitute “Sections 24.542 and 24.544-24.547”.

(2) On page 4, strike lines 17-20.

(3) On page 7, line 21, strike 398th.”.

(4) Add the following appropriately numbered SECTION to the bill:

SECTION _____. (a) Effective September 1, 1999, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.543 to read as follows:

Sec. 24.543. 398TH JUDICIAL DISTRICT (HIDALGO COUNTY). (a) The 398th Judicial District is composed of Hidalgo County.

(b) The 398th District Court shall give preference to family law and criminal matters.

(b) The 398th Judicial District is created September 1, 1999.

(5) Renumber the remaining SECTIONS of the bill accordingly.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative A. Reyna offered the following amendment to **CSHB 400**:

Amend **CSHB 400** as follows:

(1) on page 4, following line 10, insert a new Section 5 to read as follows and renumber subsequent sections:

SECTION 5. Effective January 1, 2000, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.554 to read as follows:

Sec. 24.554. 408TH JUDICIAL DISTRICT (BEXAR COUNTY). (a) The 408th Judicial District is composed of Bexar County.

(b) The 408th District Court shall give preference to criminal matters.

(2) on page 7, line 19, strike “and 396th” and substitute “396th, and 408th”.

Amendment No. 7

Representative Puente offered the following amendment to Amendment No. 6:

Amend Floor Amendment 6, **CSHB 400**, as follows:

(1) on line 4 of the amendment strike, “January 1” and insert “August 1”.

(2) on line 10 strike “criminal” and insert “civil”.

Amendment No. 7 was adopted without objection.

Amendment No. 6, as amended, was adopted without objection.

CSHB 400, as amended, was passed to engrossment.

**CSHB 2066 ON SECOND READING
(by Marchant)**

CSHB 2066, A bill to be entitled An Act relating to regulation of bank holding companies in an interstate banking and branching environment, the authorization of interstate operations of financial institutions in accordance with the requirements of federal law, and the enhancement of state bank and trust company charters for the interstate banking and branching environment.

Amendment No. 1

Representative Marchant offered the following amendment to **CSHB 2066**:

Amend **CSHB 2066** as follows:

(1) On page 190, between lines 18 and 19, insert the following:

ARTICLE 8. AMENDMENTS TO TEXAS NON-PROFIT CORPORATION ACT

SECTION 8.001. Article 1396-2.31, Texas Non-Profit Corporation Act is amended by designating the existing language as Section A and by inserting a new Section B to read as follows:

B. Any corporation (or person or entity assisting such corporation) described in this article shall have immunity from suit (including both a defense to liability and the right not to bear the cost, burden, and risk of discovery and trial) as to any claim alleging that the corporation’s role as trustee of a trust described in this article constitutes engaging in the trust business in a matter requiring a state charter in this state. An interlocutory appeal may be taken if a court denies or otherwise fails to grant a motion for summary judgment that is based on an assertion of the immunity provided in this subsection.

SECTION 8.002. (a) Article 1396-2.31, Texas Non-Profit Corporation Act, as that section exists on the effective date of this Act, applies to any trust created before, on, or after the effective date of this Act, including any trust that is the subject of litigation or another proceeding that is pending before, on, or after the effective date of this Act.

(b) This section applies without regard to the effective date of the legislation enacting Article 1396-2.31, Texas Non-Profit Corporation Act or any other legislation enacted by any legislature that amended the provisions of Article 1396-2.31, Texas Non-Profit Corporation Act.

SECTION 8.003. This Act applies to any trust created before, on, or after the effective date of this Act, including any trust that is the subject of litigation or another proceeding that is pending before, on, or after the effective date of this article.

(2) Renumber existing Article 8 of the bill as Article 9 and strike page 191, lines 24 through page 192, line 3, and substitute the following:

SECTION 9.003. EFFECTIVE DATE. (a) Except as provided by Subsection (b), this Act takes effect immediately.

(b) Articles 1-7 of this Act take effect September 1, 1999.

SECTION 9.004. 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.

Amendment No. 1 was adopted without objection. (Hartnett recorded voting no)

CSHB 2066, as amended, was passed to engrossment.

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).

CSHB 3084 ON SECOND READING (by Junell)

CSHB 3084, 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.

Amendment No. 1

Representative Junell offered the following amendment to **CSHB 3084**:

Amend **CSHB 3084** as follows:

- (1) On page 3, line 9, strike “and”.
- (2) On page 3, line 11, strike the period and substitute “; and”.
- (3) On page 3, between lines 11 and 12, add new Subdivision (8) to read as follows:

(8) the low-level radioactive waste perpetual care fund created by House Bill No. 1910.

Amendment No. 1 was adopted without objection.

CSHB 3084, as amended, was passed to engrossment.

CSHB 2 ON SECOND READING (by Swinford, Hawley, Hilderbran, B. Turner, Flores, et al.)

CSHB 2, A bill to be entitled An Act relating to agriculture and state agricultural policy.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 2**:

Amend **CSHB 2** on page 3, line 17, immediately after “agriculture”, by inserting “the impact of agriculture on the state’s natural resources,”.

Amendment No. 1 was withdrawn.

CSHB 2 was passed to engrossment.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

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

**HJR 36 ON SECOND READING
(by Goodman)**

HJR 36, A joint resolution proposing a constitutional amendment permitting the conversion of separate property to community property.

A record vote was requested.

HJR 36 was adopted by (Record 163): 144 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; 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; Palmer; 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.; Uresti; Van de Putte; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Uher.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover.

Absent — Dunnam; Oliveira; Walker.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 673 ON THIRD READING
(by Carter, Ehrhardt, Naishtat, et al.)**

HB 673, A bill to be entitled An Act relating to requiring the use of protective helmets for bicycle safety; providing criminal penalties.

HB 673 was passed. (Berman, Keel, and Talton recorded voting no)

**HB 1799 ON THIRD READING
(by P. King and Morrison)**

HB 1799, A bill to be entitled An Act relating to the assignment of certain lottery prizes.

HB 1799 was passed.

**HB 938 ON THIRD READING
(by Thompson, Haggerty, Danburg, Puente, Hochberg, et al.)**

HB 938, A bill to be entitled An Act relating to the investigation and prosecution of an offense motivated by bias or prejudice and to other remedies for and protections against certain hateful acts.

HB 938 was passed. (Berman, Corte, Hilbert, Keel, and Talton recorded voting no)

HB 938 - REASON FOR VOTE

By creating special categories of victims, we are disenfranchising other victims not included in the enumerated protected classes.

In 1993 the Texas Legislature confronted this issue and acted to create enhanced penalties for bias-motivated crimes (Tex. Pen. Code Sec. 12.47), but purposely did not include enumerated classes, because to do so necessarily diminished the value placed on all non-included victims.

HB 938 will provide no meaningful enhancement tools to the prosecution of hate crimes. It will, however, exclude certain classes of victims from equal protection under the law, under the guise of protecting certain identified groups.

Keel

**HB 2235 ON THIRD READING
(by Truitt, et al.)**

HB 2235, A bill to be entitled An Act relating to the issuance of installment sale obligations or lease-purchase obligations by certain municipalities.

HB 2235 was passed.

HB 2209 ON THIRD READING
(by McClendon)

HB 2209, A bill to be entitled An Act relating to the ability of a public housing authority to use a public facility corporation to promote development of residential housing and accomplish other public purposes.

A record vote was requested.

HB 2209 was passed by (Record 164): 136 Yeas, 5 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; Craddick; Cuellar; Culberson; 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; Greenberg; Grusendorf; Gutierrez; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hilderbran; Hill; Hinojosa; Hodge; Homer; Hunter; Hupp; Isett; Janek; 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; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; 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; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Berman; Crabb; Heflin; Mowery; Talton.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover.

Absent — Green; Haggerty; Hochberg; Hope; Howard; Jones, C.; Oliveira.

STATEMENT OF VOTE

I was shown voting yes on Record No. 164. I intended to vote no.

Corte

HB 2614 ON THIRD READING
(by Counts)

HB 2614, A bill to be entitled An Act relating to creation of a county alliance to jointly authorize the creation of a development corporation.

A record vote was requested.

HB 2614 was passed by (Record 165): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; 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; 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; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; 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; Zbrank.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover.

Absent — Hochberg; McClendon; Oliveira.

HB 1804 ON THIRD READING

(by Morrison)

HB 1804, A bill to be entitled An Act relating to the automatic admission to certain public institutions of higher education of certain graduates of high schools operated by the United States Department of Defense.

HB 1804 was passed.

HB 1984 ON THIRD READING

(by Bosse)

HB 1984, A bill to be entitled An Act relating to the consolidation of emergency communication districts.

A record vote was requested.

HB 1984 was passed by (Record 166): 147 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; 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; Palmer; 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 — Crownover.

Absent — Oliveira.

HB 2054 ON THIRD READING
(by Solomons)

HB 2054, A bill to be entitled An Act relating to mechanic's, contractor's, and materialmen's liens.

HB 2054 was passed.

HB 1876 ON THIRD READING
(by Hinojosa, et al.)

HB 1876, A bill to be entitled An Act relating to theft of or tampering with multichannel video or information services; providing penalties.

HB 1876 was passed.

HB 861 ON THIRD READING
(by Dukes and J. Solis)

HB 861, A bill to be entitled An Act relating to the creation of the offense of coercing, soliciting, or inducing a child to participate in the activities of a criminal street gang.

HB 861 was passed.

HB 523 ON THIRD READING
(by McReynolds)

HB 523, A bill to be entitled An Act relating to the application of the optional county vehicle registration fees to all-terrain vehicles.

A record vote was requested.

HB 523 was passed by (Record 167): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Chavez; Chisum; Christian; Coleman; Cook; Corte; Counts; Crabb; Craddock; Cuellar; Culberson; 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. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover.

Absent — Allen; Alvarado; Carter; Clark; Oliveira; Palmer; Solis, J.; Uresti.

STATEMENTS OF VOTE

When Record No. 167 was taken, my vote failed to register. I would have voted yes.

Clark

When Record No. 167 was taken, I was in the house but away from my desk. I would have voted yes.

J. Solis

When Record No. 167 was taken, I was in the house but away from my desk. I would have voted yes.

Uresti

HB 1086 ON THIRD READING (by Solomons)

HB 1086, A bill to be entitled An Act relating to liens on manufactured homes.

HB 1086 was passed.

HB 1194 ON THIRD READING (by B. Turner, Glaze, and Cook)

HB 1194, A bill to be entitled An Act relating to the operation of a statewide rural health care system.

HB 1194 was passed.

HB 908 ON THIRD READING (by Coleman, Naishtat, et al.)

HB 908, A bill to be entitled An Act relating to enforcement of screening requirements for vision, hearing, and other special senses and communication

disorders of children in certain licensed child-care facilities.

A record vote was requested.

HB 908 was passed by (Record 168): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; 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; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover.

Absent — Howard; Jones, C.; Madden; Oliveira; Solis, J.; Uresti.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 168. I intended to vote no.

Isett

When Record No. 168 was taken, I was in the house but away from my desk. I would have voted yes.

J. Solis

When Record No. 168 was taken, I was in the house but away from my desk. I would have voted yes.

Uresti

HB 2070 ON THIRD READING (by Gray and Eiland)

HB 2070, A bill to be entitled An Act relating to the administration and responsibilities of The University of Texas Medical Branch at Galveston.

HB 2070 was passed.

HB 2752 ON THIRD READING
(by Smithee)

HB 2752, A bill to be entitled An Act relating to joint underwriting and reinsurance advisory organizations.

HB 2752 was passed.

HB 3234 ON THIRD READING
(by Najera and Wise)

HB 3234, A bill to be entitled An Act relating to the connection of utilities in certain subdivisions in economically distressed areas.

A record vote was requested.

HB 3234 was passed by (Record 169): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; 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; 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; Najera; Nixon; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover.

Absent — Coleman; Culberson; Ellis; Hochberg; Naishtat; Oliveira; Solis, J.; Uresti.

STATEMENTS OF VOTE

When Record No. 168 was taken, I was in the house but away from my desk. I would have voted yes.

Culberson

When Record No. 169 was taken, I was in the house but away from my desk. I would have voted yes.

J. Solis

When Record No. 169 was taken, I was in the house but away from my desk. I would have voted yes.

Uresti

HB 3656 ON THIRD READING
(by Oliveira)

HB 3656, A bill to be entitled An Act relating to the participation of community-based organizations in the skills development fund.

HB 3656 was passed.

HB 2190 ON THIRD READING
(by Hinojosa, et al.)

HB 2190, A bill to be entitled An Act relating to prima facie evidence of the offense of theft by check.

HB 2190 was passed.

HB 2148 ON THIRD READING
(by Maxey and Danburg)

HB 2148, A bill to be entitled An Act relating to certain federally funded long-term care Medicaid programs.

HB 2148 was passed.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, on noon recess today, Desk 25, for a formal meeting, to consider pending business.

RECESS

Representative Luna moved that the house recess until 1:00 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:14 p.m., recessed until 1:00 p.m. today.

AFTERNOON SESSION

The house met at 1:00 p.m. and was called to order by the speaker.

HR 780 - ADOPTED

(by A. Reyna)

Representative A. Reyna moved to suspend all necessary rules to take up and consider at this time **HR 780**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 780, Welcoming Costa Rican vice president Astrid Fischel to Texas.

HR 780 was adopted without objection.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 1059 ON SECOND READING
(by Keel, Siebert, Dukes, Greenberg, and Naishtat)**

CSHB 1059, A bill to be entitled An Act relating to the regulation of amusement rides; providing a penalty.

Amendment No. 1

Representative B. Turner offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** on page 5, lines 11 and 12, by striking the phrase “to the satisfaction of the appropriate law enforcement official”.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Dukes offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** as follows:

(1) On page 1, lines 15-16, strike “Sections 4(a) and (b), Article 21.60, Insurance Code, are amended” and substitute “Section 4, Article 21.60, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsection (d)”.

(2) On page 3, between lines 4 and 5, insert the following:

(d) A person who operates an amusement ride in this state shall maintain accurate records of any governmental action taken in any state relating to the amusement ride, including an inspection resulting in the repair or replacement of equipment used in the operation of the amusement ride. The operator shall file with the board on a quarterly basis a report on a form designed by the board describing each governmental action taken in the quarter covered by the report for which the operator is required by this subsection to maintain records. A report is not required under this section in any quarter in which no reportable governmental action was taken in any state in which the person operated the amusement ride.

(Solomons in the chair)

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Dukes offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** as follows:

(1) On page 2, line 19, strike “and” and insert “[and]”.

(2) Strike page 2, line 25, and substitute the following:
effect];

(5) inspects the amusement ride daily;

(6) maintains documentation that the required daily inspections occurred and that the amusement ride met the standards required for insurance coverage under this section; and

(7) repairs or replaces equipment if, at any time, the amusement ride does not meet the standards required for insurance coverage under this section.

Representative Keel moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Dukes offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** as follows:

(1) On page 2, line 19, strike “and” and insert “[and]”.

(2) Strike page 2, line 25, and substitute the following:
[effect] ; and

(5) completes a training program for amusement ride operators that is certified by the department.

(3) On page 6, between lines 11 and 12, insert the following new SECTION of the bill, appropriately numbered:

SECTION _____. Article 21.60, Insurance Code, is amended by adding SECTION 11 to read as follows:

Sec. 11. AMUSEMENT RIDE TRAINING PROGRAM. (a) The department shall certify training programs for amusement ride operators.

(b) The commissioner shall adopt rules governing the certification of training programs for amusement ride operators.

(4) Renumber the SECTIONS of the bill accordingly.

Representative Keel moved to table Amendment No. 4.

The motion to table prevailed.

Amendment No. 5

Representative Dukes offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** as follows:

(1) On page 1, line 15, strike “4(a) and (b)” and substitute “4(a), (b), and (c)”.

(2) On page 3, between lines 4 and 5, insert the following:

(c) A person who operates an amusement ride in this state shall maintain accurate records of each injury caused by the ride in any state that results in death or requires medical treatment. The operator shall file an injury report on a form designed by the board for that purpose with the board on a quarterly basis and shall include in the report a description of each injury caused by a ride in any state that results in death or requires medical treatment. For the purpose of this subsection, medical treatment includes treatment (other than first aid) administered by a physician or by a registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment (onetime treatment and subsequent observation of minor scratches, cuts, burns, splinters, and any other minor injuries that do not ordinarily require medical care) even though

provided by a physician or registered professional personnel. No report shall be required of the operator in any quarter in which no reportable injuries occurred in any state in which the person operated the amusement ride.

Representative Keel moved to table Amendment No. 5.

The motion to table prevailed.

Amendment No. 6

Representative Dukes offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** as follows:

(1) On page 3, line 9, between “(c)” and “to read”, insert “and adding Subsection (f)”.

(2) On page 3, between lines 14 and 15, insert the following:

(f) The prosecuting attorney in a case in which a person is convicted of an offense under this section shall report the offense to the department not later than the 90th day after the date of the conviction.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Clark offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** in Section 6 by adding a subsection (j) in Article 21.60 Sec. 10 to read as follows:

“(j) Performance or nonperformance by a municipal, county, or state law enforcement official of any action authorized by this article is a discretionary function of the governmental unit and of the official.”

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative Dutton offered the following amendment to **CSHB 1059**:

Amend **CSHB 1059** as follows:

Strike the words “Except as provided by Subsection (i) of this section, a” and replace with the word “A” on page 4, line 4;

Strike lines 8-11 on page 6.

Representative Keel moved to table Amendment No. 8.

The motion to table prevailed.

CSHB 1059, as amended, was passed to engrossment. (Dutton and Hupp recorded voting no)

HB 499 ON SECOND READING (by Ramsay, Telford, Lengfeld, and Staples)

HB 499, A bill to be entitled An Act relating to the duration of the period of the rate rollback for certain lines of insurance.

Amendment No. 1

Representative Smithee offered the following amendment to **HB 499**:

Amend **HB 499** as follows:

(1) Between lines 4 and 5, insert the following:

SECTION . Section 2(b), Article 5.131, Insurance Code, is amended to read as follows:

(b) All ~~[It is the intent of the legislature that all insurers, including]~~ county mutual insurers, joint underwriting associations, and other insurers ~~[others]~~ whose rates are not regulated shall~~;~~ pass through the savings that accrue from the legislation described by Section 1 of this article to their policyholders on a prospective basis. To monitor compliance with this legislative directive, the commissioner shall obtain and examine the data from each insurer described by this subsection as necessary to ensure that the insurer is passing the savings to the insurer's policyholders in compliance with this section and may require information in rate filings, special data calls, informational hearings, and any other means consistent with other provisions of this code applicable to the affected insurers. Information provided under this subsection is privileged and confidential to the same extent as the information is privileged and confidential under this code or other laws for other insurers licensed and writing the same line of insurance in this state. The information remains privileged and confidential unless and until introduced into evidence at an administrative hearing or in a court of competent jurisdiction. Sections 3 and 4 of this article ~~[subchapter]~~ do not apply to the ~~[nonrate-regulated]~~ insurers described ~~[covered]~~ by this subsection. Notwithstanding the foregoing, if the commissioner determines that an insurer described by this subsection has failed to pass savings to that insurer's policyholders in compliance with this subsection, the commissioner shall require the insurer to provide rate refunds or reductions to the insurer's policyholders on a prospective basis in an amount and manner determined by the commissioner by rule.

(2) On line 5, strike "SECTION 1" and substitute "SECTION 2".

(3) On line 11, strike "SECTION 2" and substitute "SECTION 3".

(4) On line 12, strike "SECTION 3" and substitute "SECTION 4".

Amendment No. 1 was adopted without objection.

HB 499, as amended, was passed to engrossment.

CSHB 964 ON SECOND READING
(by Cuellar)

CSHB 964, A bill to be entitled An Act relating to allowing school crossing guards to direct traffic in a school crossing zone.

CSHB 964 was passed to engrossment.

CSHB 2671 ON SECOND READING
(by S. Turner, A. Reyna, Dukes, Olivo, Naishtat, et al.)

CSHB 2671, A bill to be entitled An Act 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.

Amendment No. 1

Representative S. Turner offered the following amendment to **CSHB 2671**:

Amend **CSHB 2671** on page 4, line 26, by striking "This section applies" and substituting "Subsections (a)(1) and (a)(5) apply".

Amendment No. 1 was adopted without objection.

CSHB 2671, as amended, was passed to engrossment.

CSHB 895 ON SECOND READING
(by S. Turner)

CSHB 895, A bill to be entitled An Act relating to restrictions on the employment of certain children; providing penalties.

CSHB 895 was passed to engrossment. (Green, Hupp, Isett, Nixon, and Talton recorded voting no)

HB 3295 ON SECOND READING
(by Goolsby)

HB 3295, A bill to be entitled An Act relating to the deposit of excess proprietary school fees to the proprietary school tuition protection fund.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Yarbrough, Representative Goolsby offered the following committee amendment to **HB 3295**:

Amend **HB 3295** by inserting the following on page 1, line 11 after the period:

The balance of the fund may not exceed an amount greater than \$250,000.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Naishtat offered the following amendment to **HB 3295**:

Amend **HB 3295** as follows:

On page 1, between lines 1-4 and 1-5, insert the following new SECTIONS 1 and 2 of the bill and renumber the remaining sections appropriately:

SECTION 1. Section 132.002(a)(9) is amended to read as follows:

(9) a school that offers intensive review of a student's acquired education, training, or experience [~~courses designed~~] to prepare the students [~~students~~] for an examination, other than a high school equivalency examination, that the student by law may not take unless the student has completed or substantially completed a particular degree program, or that the student is required to take as a precondition for enrollment in or admission to a particular degree program [~~certified public accountancy tests, public accountancy tests, law school aptitude tests, bar examinations, or medical college admissions tests~~];

SECTION 2. Section 132.002(a) is amended by adding subdivision (15) to read as follows:

(15) a course of instruction in the use of technological hardware or software if the course is offered to a purchaser of the hardware or software or to the purchaser's employee by a person who manufactures and sells, or develops and sells, the hardware or software, and if the seller is not primarily in the business of providing courses of instruction in the use of the hardware or software, as determined by the commission.

Amendment No. 1 was adopted without objection.

HB 3295, as amended, was passed to engrossment.

CSHB 2873 ON SECOND READING
(by Maxey and Danburg)

CSHB 2873, A bill to be entitled An Act relating to the operation of certain Medicaid waiver programs for children with disabilities or special health care needs.

CSHB 2873 was passed to engrossment.

CSHB 3333 ON SECOND READING
(by Tillery)

CSHB 3333, A bill to be entitled An Act relating to certain duties of local workforce development boards in connection with the provision of child care.

Representative Tillery moved to postpone consideration of **CSHB 3333** until the end of today's calendar.

The motion prevailed without objection.

HB 3600 ON SECOND READING
(by McClendon and Thompson)

HB 3600, A bill to be entitled An Act relating to the taxation of small quantities of cigarettes imported into this state from a foreign country.

HB 3600 was passed to engrossment. (Hupp and Isett recorded voting no)

CSHB 3462 ON SECOND READING
(by Alexander)

CSHB 3462, A bill to be entitled An Act relating to the identification of vessels without identification numbers and outboard motors without serial numbers.

CSHB 3462 was passed to engrossment.

CSHB 3716 ON SECOND READING
(by Alexander)

CSHB 3716, A bill to be entitled An Act relating to the authority to establish transportation advisory committees.

CSHB 3716 was passed to engrossment.

CSHB 577 ON SECOND READING
(by Giddings)

CSHB 577, A bill to be entitled An Act relating to the period for which a person arrested or held without a warrant in the prevention of family violence may be held after bond is posted.

(Speaker in the chair)

Amendment No. 1

Representative G. Lewis offered the following amendment to **CSHB 577**:

Amend **CSHB 577** on page 1, line 17, between “who” and “concludes”, insert “, after having conducted an evidentiary hearing.”.

Representative Giddings moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 1 was adopted without objection.

CSHB 577, as amended, was passed to engrossment.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

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

LEAVE OF ABSENCE GRANTED

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

D. Jones on motion of Averitt.

CSHB 477 ON SECOND READING
(by Madden)

CSHB 477, A bill to be entitled An Act relating to the vote required for election of the governing board of certain junior college districts.

A record vote was requested.

CSHB 477 failed to pass to engrossment by (Record 170): 11 Yeas, 126 Nays, 4 Present, not voting.

Yeas — Berman; Cuellar; Danburg; Ehrhardt; Greenberg; Hinojosa; Jones, C.; Madden; Maxey; Naishtat; Sadler.

Nays — Alexander; Allen; Alvarado; Bailey; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Culberson; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.;

Longoria; Luna; Marchant; McCall; McClendon; McReynolds; Morrison; Mowery; Najera; Nixon; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Rangel; Reyna, A.; Reyna, E.; Ritter; 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); Edwards; Junell; Noriega.

Absent, Excused — Crownover; Jones, D.

Absent — Averitt; Flores; Jones, J.; Merritt; Moreno, J.; Moreno, P.; Ramsay.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 170. I intended to vote no.

Cuellar

I was shown voting yes on Record No. 170. I intended to vote no.

Hinojosa

CSHB 98 ON SECOND READING

(by A. Reyna, Farabee, Maxey, Lengefeld, and Staples)

CSHB 98, A bill to be entitled An Act relating to the fiscal year of a school district and to the submission to a school district of an estimate of the taxable value of school district property.

Amendment No. 1

Representative Staples offered the following amendment to **CSHB 98**:

Amend **CSHB 98** as follows:

- (1) On page 1, line 9, strike "August 1" and substitute "July 1".
- (2) On page 1, line 19, strike "July 31" and substitute "June 30".
- (3) On page 1, line 20, strike "August 1" and substitute "July 1".

Amendment No. 1 was adopted without objection.

CSHB 98, as amended, was passed to engrossment.

CSHB 1687 ON SECOND READING

(by Hunter, Greenberg, Chavez, Goolsby, Van de Putte, et al.)

CSHB 1687, A bill to be entitled An Act relating to a state program of loan guarantees to promote the film industry in this state; providing a penalty.

CSHB 1687 was passed to engrossment.

CSHB 826 ON SECOND READING

(by Greenberg)

CSHB 826, A bill to be entitled An Act relating to alternative dispute resolution proceedings of governmental bodies.

Amendment No. 1

Representative Nixon offered the following amendment to **CSHB 826**:

Amend **CSHB 826** by striking page 9, line 24, through page 10, line 8, and substituting the following:

SECTION 5. Subtitle F, Title 10, Government Code, is amended by adding Chapter 2260 to read as follows:

CHAPTER 2260. RESOLUTION OF CERTAIN CONTRACT CLAIMS

AGAINST THE STATE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2260.001. DEFINITIONS. In this chapter:

(1) "Contract" means a written contract between a unit of state government and a contractor for:

(A) goods;

(B) services; or

(C) a project as defined by Section 2166.001.

(2) "Contractor" means an independent contractor who has entered into a contract directly with a unit of state government. The term does not include:

(A) a contractor's subcontractor, officer, employee, agent, or other person furnishing goods or services to a contractor;

(B) an employee of a unit of state government; or

(C) a student at an institution of higher education.

(3) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(4) "Unit of state government" means the state or an agency, department, commission, bureau, board, office, council, court, or other entity that is in any branch of state government and that is created by the constitution or a statute of this state, including a university system or institution of higher education. The term does not include a county, municipality, court of a county or municipality, special purpose district, or other political subdivision of this state. The term does not include the Texas Department of Transportation.

Sec. 2260.002. APPLICABILITY. This chapter does not apply to a claim for personal injury or wrongful death arising from the breach of a contract.

Sec. 2260.003. DAMAGES. (a) The total amount of money recoverable on a claim for breach of contract under this chapter may not, after deducting the amount specified in Subsection (b), exceed the balance due and owing on the contract price, including orders for additional work.

(b) Any amount owed the unit of state government for work not performed under a contract or in substantial compliance with its terms shall be deducted from the amount in Subsection (a).

Sec. 2260.004. REQUIRED CONTRACT PROVISION. (a) Each unit of state government that enters into a contract to which this chapter applies shall include as a term of the contract a provision stating that the dispute resolution process used by the unit of state government under this chapter must be used to attempt to resolve a dispute arising under the contract.

(b) The attorney general shall provide assistance to a unit of state government in developing the contract provision required by this section.

Sec. 2260.005. EXCLUSIVE PROCEDURE. The procedures contained in

this chapter are exclusive and required prerequisites to suit in accordance with Chapter 107, Civil Practice and Remedies Code.

Sec. 2260.006. SOVEREIGN IMMUNITY. This chapter does not waive sovereign immunity to suit or liability.

[Sections 2260.007-2260.050 reserved for expansion]

SUBCHAPTER B. NEGOTIATION OF CLAIM

Sec. 2260.051. CLAIM FOR BREACH OF CONTRACT; NOTICE. (a) A contractor may make a claim against a unit of state government for breach of a contract between the unit of state government and the contractor. The unit of state government may assert a counterclaim against the contractor.

(b) A contractor must provide written notice to the unit of state government of a claim for breach of contract not later than the 180th day after the date of the event giving rise to the claim.

(c) The notice must state with particularity:

- (1) the nature of the alleged breach;
- (2) the amount the contractor seeks as damages; and
- (3) the legal theory of recovery.

(d) A unit of state government must assert, in a writing delivered to the contractor, any counterclaim not later than the 90th day after the date of notice under Subsection (b). A unit of state government that does not comply with this subsection waives the right to assert the counterclaim.

Sec. 2260.052. NEGOTIATION. (a) The chief administrative officer or, if designated in the contract, another officer of the unit of state government shall examine the claim and any counterclaim and negotiate with the contractor in an effort to resolve them. Except as provided by Subsection (b), the negotiation must begin not later than the 60th day after the later of:

- (1) the date of termination of the contract;
- (2) the completion date in the original contract; or
- (3) the date the claim is received.

(b) A unit of state government against which a claim is filed is entitled to delay the beginning of negotiation until after the 180th day after the date of the event giving rise to the claim.

(c) Each unit of state government with rulemaking authority shall develop rules to govern the negotiation of a claim under this section. If a unit of state government does not have rulemaking authority, that unit shall follow the rules adopted by the attorney general.

Sec. 2260.053. PARTIAL RESOLUTION OF CLAIM. (a) If the negotiation under Section 2260.052 results in the resolution of some disputed issues by agreement or in a settlement, the parties shall reduce the agreement or settlement to writing and each party shall sign the agreement or settlement.

(b) A partial settlement or resolution of a claim does not waive a party's rights under this chapter as to the parts of the claim that are not resolved.

Sec. 2260.054. PAYMENT OF CLAIM FROM APPROPRIATED FUNDS. A unit of state government may pay a claim resolved in accordance with this subchapter only from money appropriated to it for payment of contract claims or for payment of the contract that is the subject of the claim. If money previously appropriated for payment of contract claims or payment of the contract is insufficient to pay the claim or settlement, the balance of the claim

may be paid only from money appropriated by the legislature for payment of the claim.

Sec. 2260.055. INCOMPLETE RESOLUTION. If a claim is not entirely resolved under Section 2260.052 on or before the 270th day after the date the claim is filed with the unit of state government, unless the parties agree in writing to an extension of time, the contractor may file a request for a hearing under Subchapter C.

[Sections 2260.056-2260.100 reserved for expansion]

SUBCHAPTER C. CONTESTED CASE HEARING

Sec. 2260.101. DEFINITION. In this subchapter, "office" means the State Office of Administrative Hearings.

Sec. 2260.102. REQUEST FOR HEARING. (a) If a contractor is not satisfied with the results of negotiation with a unit of state government under Section 2260.052, the contractor may file a request for a hearing with the unit of state government.

(b) The request must:

(1) state the factual and legal basis for the claim; and

(2) request that the claim be referred to the State Office of Administrative Hearings for a contested case hearing.

(c) On receipt of a request under Subsection (a), the unit of state government shall refer the claim to the State Office of Administrative Hearings for a contested case hearing under Chapter 2001, Government Code, as to the issues raised in the request.

Sec. 2260.103. HEARING FEE. (a) The chief administrative law judge of the office may set a fee for a hearing before the office under this subchapter.

(b) The chief administrative law judge of the office shall set the fee in an amount that:

(1) is not less than \$250; and

(2) allows the office to recover all or a substantial part of its costs in holding hearings.

(c) The chief administrative law judge of the office by rule may establish a graduated fee scale, increasing the fee in relation to the amount in controversy.

(d) The office may:

(1) assess the fee against the party who does not prevail in the hearing; or

(2) apportion the fee against the parties in an equitable manner.

Sec. 2260.104. HEARING. (a) An administrative law judge of the office shall conduct a hearing in accordance with the procedures adopted by the chief administrative law judge of the office.

(b) Within a reasonable time after the conclusion of the hearing, the administrative law judge shall issue a written decision containing the administrative law judge's findings and recommendations.

(c) The administrative law judge shall base the decision on the pleadings filed with the office and the evidence received.

(d) The decision must include:

(1) the findings of fact and conclusions of law on which the administrative law judge's decision is based; and

(2) a summary of the evidence.

(e) A person may not appeal the decision.

Sec. 2260.105. PAYMENT OF CLAIM. (a) The unit of state government shall pay the amount of the claim or part of the claim if the administrative law judge finds, by a preponderance of the evidence, that under the laws of this state the claim or part of the claim is valid.

(b) A unit of state government shall pay a claim under this subchapter from money appropriated to it for payment of contract claims or for payment of the contract that is the subject of the claim. If money previously appropriated for payment of contract claims or payment of the contract is insufficient to pay the claim, the balance of the claim may be paid only from money appropriated by the legislature for payment of the claim.

Sec. 2260.106. PREJUDGMENT INTEREST. Chapter 304, Finance Code, applies to a judgment awarded to a claimant under this chapter, except that the applicable rate of interest may not exceed six percent.

Sec. 2260.107. EXECUTION ON STATE PROPERTY NOT AUTHORIZED. This chapter does not authorize execution on property owned by the state or a unit of state government.

SECTION 1. (a) Except as provided by Subsection (b) of this section, this Act takes effect immediately.

(b) Sections 1-4 of this Act take effect September 1, 1999.

SECTION 2. Chapter 2009, Government Code, as amended and redesignated by this Act, and Section 154.073, Civil Practice and Remedies Code, as amended by this Act, apply only to an alternative dispute resolution proceeding that begins on or after September 1, 1999. An alternative dispute resolution proceeding that began before September 1, 1999, is governed by the law applicable to the proceeding immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. (a) Chapter 2260, Government Code, as added by this Act, applies only to a claim pending or arising on or after the effective date of this Act, without regard to whether the contract was entered into before, on, or after that date.

(b) Notwithstanding Section 2260.051(b), Government Code, as added by this Act, a claimant must provide written notice to the unit of state government for a claim pending before the effective date of this Act not later than the 180th day after that date.

SECTION 4. Chapter 2260, Government Code, as added by this Act, does not apply to a claim or dispute with respect to which the 76th Legislature or a previous legislature has enacted a concurrent resolution granting permission to the contractor to bring a suit against the state or a unit of state government.

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.

(J. F. Solis in the chair)

Amendment No. 1 was adopted without objection.

CSHB 826, as amended, was passed to engrossment.

(Speaker in the chair)

HB 2279 ON SECOND READING
(by Swinford)

HB 2279, A bill to be entitled An Act relating to county regulation of fireworks.

HB 2279 was passed to engrossment. (Green and Keel recorded voting no)

HB 2214 ON SECOND READING
(by Olivo)

HB 2214, A bill to be entitled An Act relating to the authority of a county to operate a water or sewer utility system; granting the power of eminent domain.

Representative Olivo moved to postpone consideration of **HB 2214** until 10 a.m. Tuesday, May 4.

The motion prevailed without objection.

CSHB 3423 ON SECOND READING
(by Morrison)

CSHB 3423, A bill to be entitled An Act relating to the emergency possession of and termination of the parent-child relationship of certain abandoned children.

CSHB 3423 was passed to engrossment.

HB 2734 ON SECOND READING
(by Cook)

HB 2734, A bill to be entitled An Act relating to the filing of an affidavit supporting a criminal charge based on the use of a check or similar sight order.

HB 2734 was passed to engrossment.

CSHB 2415 ON SECOND READING
(by Keffer)

CSHB 2415, A bill to be entitled An Act relating to a junior college district branch campus, center, or extension facility.

Amendment No. 1

Representative Keffer offered the following amendment to **CSHB 2415**:

Amend **CSHB 2415** as follows:

(1) On page 2, lines 2 through 7, strike "If the course is to be offered in a county which has a population of more than 115,000 persons, according

to the last preceding federal census, and which has no state-supported senior college or university within its boundaries, it must also be established that any other college or university in the county is not able and willing to offer the course.” and substitute “[~~If the course is to be offered in a county which has a population of more than 115,000 persons, according to the last preceding federal census, and which has no state-supported senior college or university within its boundaries, it must also be established that any other college or university in the county is not able and willing to offer the course.~~]”.

(2) On page 2, lines 10 through 11, strike “, under the provisions of Subsection (a)” and substitute “[~~under the provisions of Subsection (a)~~]”.

Amendment No. 1 was adopted without objection.

CSHB 2415, as amended, was passed to engrossment.

HB 834 ON SECOND READING

(by Eiland)

HB 834, A bill to be entitled An Act relating to the qualifications of a member of the board of directors of an appraisal district.

HB 834 was passed to engrossment.

CSHB 480 ON SECOND READING

(by Seaman)

CSHB 480, A bill to be entitled An Act relating to notice and hearing for an application for a permit for a commercial surface disposal facility.

CSHB 480 was passed to engrossment.

POSTPONED BUSINESS

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

CSHB 3333 ON SECOND READING

(by Tillery)

CSHB 3333, A bill to be entitled An Act relating to certain duties of local workforce development boards in connection with the provision of child care.

CSHB 3333 was read second time earlier today and was postponed until this time.

Representative Tillery moved to postpone consideration of **CSHB 3333** until 10 a.m. tomorrow.

The motion prevailed without objection.

HB 1303 - HOUSE CONCURS IN SENATE AMENDMENTS

TEXT OF SENATE AMENDMENTS

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

HB 1303, A bill to be entitled An Act relating to the authority of the

San Leon Municipal Utility District of Galveston County to install and assess for street lighting.

On motion of Representative Gray, the house concurred in the senate amendments to **HB 1303**.

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

Amend **HB 1303** in Section 2A of the bill (Engrossed Version page 1, line 20) by adding the following subsection:

(c) This section does not authorize the District to install, operate or maintain street lighting on right-of-way that is part of the designated state highway system.

**HB 1304 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1304, A bill to be entitled An Act relating to the authority of the Bacliff Municipal Utility District of Galveston County to install and assess for street lighting.

On motion of Representative Gray, the house concurred in the senate amendments to **HB 1304**.

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

Amend **HB 1304** in Section 2A of the bill (Engrossed Version page 1, line 20) by adding the following subsection:

(c) This section does not authorize the District to install, operate or maintain street lighting on right-of-way that is part of the designated state highway system.

**HB 1503 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1503, A bill to be entitled An Act relating to the continuation and functions of the Interagency Council on Early Childhood Intervention.

On motion of Representative Gray, the house concurred in the senate amendments to **HB 1503**.

Senate Committee Substitute

CSHB 1503, A bill to be entitled An Act relating to the continuation and functions of the Interagency Council on Early Childhood Intervention.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Sections 73.002(e) and (i), Human Resources Code, are amended to read as follows:

(e) The governor [~~members of the board~~] shall designate a [~~elect one~~] member of the board [~~to serve~~] as the presiding officer of the board to serve in that capacity at the will of the governor. The members of the board shall

elect ~~and~~ one member of the board to serve as assistant presiding officer. The assistant presiding officer ~~[Officers]~~ shall serve a two-year term.

(i) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the council. ~~[The board shall develop a method for responding to complaints regarding services provided by the council.]~~

SECTION 2. Section 73.0021(b), Human Resources Code, is amended to read as follows:

(b) A person is not eligible for appointment as a board member if:

(1) the person does not meet the eligibility requirements under Section 73.002;

(2) the person or the person's spouse is an officer of an agency or paid counsel of an organization with which the council engages in a contractual relationship; or

(3) the person violates a prohibition established by Section 73.0024 ~~[is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities on behalf of a profession or organization related to council functions].~~

SECTION 3. Section 73.0022(a), Human Resources Code, is amended to read as follows:

(a) It is a ground for removal from the board if a member:

(1) is not eligible for appointment to the board under Section 73.002;

(2) does not maintain during service on the board the qualifications required by Section 73.002;

(3) has or develops an interest that conflicts or appears to conflict with the member's position on the board or violates a prohibition established by Section 73.0024;

(4) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(5) is absent for more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year.

SECTION 4. Chapter 73, Human Resources Code, is amended by adding Sections 73.0023, 73.0024, and 73.0025 to read as follows:

Sec. 73.0023. BOARD MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

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

(1) the legislation that created the council and the board;

(2) the programs operated by the council;

(3) the role and functions of the council;

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

(5) the current budget for the council;

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

(7) the requirements of:

(A) the open meetings law, Chapter 551, Government Code;
(B) the public information law, Chapter 552, Government Code;

(C) the administrative procedure law, Chapter 2001, Government Code; and

(D) other laws relating to public officials, including conflict-of-interest laws; and

(8) any applicable ethics policies adopted by the council or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 73.0024. RESTRICTIONS ON BOARD MEMBERS AND EMPLOYEES. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the board and may not be a council employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of early childhood intervention; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of early childhood intervention.

(c) A person may not be a member of the board or act as the general counsel to the board or the council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the council.

Sec. 73.0025. COMPLAINT PROCESS. (a) The board shall develop a method for responding to complaints regarding services provided by the council.

(b) The council shall maintain a file on each written complaint filed with the council. The file must include;

(1) the name of the person who filed the complaint;

(2) the date the complaint is received by the council;

(3) the subject matter of the complaint;

(4) the name of each person contacted in relation to the complaint;

(5) a summary of the results of the review or investigation of the complaint; and

(6) an explanation of the reason the file was closed, if the council closed the file without taking action other than to investigate the complaint.

(c) The council shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the council's

policies and procedures relating to complaint investigation and resolution.

(d) The council, at least quarterly until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

SECTION 5. Section 73.0051, Human Resources Code, is amended by amending Subsections (d), (f), and (i) and adding Subsection (k) to read as follows:

(d) The council shall periodically monitor program activities and fiscal performance of the entities funded under this chapter to:

(1) determine compliance with federal and state requirements;

(2) assess the performance of the entities in identifying children under three years of age with developmental delay in populations at risk of developmental delay; and

(3) issue reports regarding program monitoring.

(f) The council shall:

(1) cooperate with the Health and Human Services Commission and other local, state, and federal agencies in the strategic planning, funding, delivery, and monitoring of services authorized under this chapter; and

(2) jointly with the Department of Protective and Regulatory Services develop and implement policies applicable to providers of services authorized under this chapter in situations involving service recipients who are vulnerable to abuse or neglect.

(i) The council shall include parents when deciding the appropriate treatment for the needs of their child or children. After establishing an initial and ongoing treatment plan for a child, the council shall ensure that the child's parents continue to be included in all decisions relating to the services provided to the child, including the determination of the most appropriate setting for the child to receive services. The council shall ensure that a child's parents receive written notification of the progress toward meeting the child's treatment plan. The notification must include details to assist parents in meeting the child's treatment goals.

(k) The council shall cooperate with the Health and Human Services Commission to select an appropriate automated system or systems currently used by a state agency to plan, manage, and maintain records of client services. If cost-effective, the council may use the automated system or systems to carry out other appropriate council administrative functions.

SECTION 6. Section 73.0052, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (h) to read as follows:

(a) The executive director or the executive director's designee [board] shall provide to [its] members of the board and to the employees of the council, as often as necessary, information regarding the requirements for office or employment [their qualifications] under this chapter, including information regarding a person's [and their] responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(h) The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and the staff of the council.

SECTION 7. Section 73.008, Human Resources Code, is amended to read

as follows:

Sec. 73.008. EARLY IDENTIFICATION STRATEGY. (a) The council shall develop and implement a statewide strategy for:

(1) the early identification of children under three years of age with developmental delay; ~~[and]~~

(2) improving the early identification of children under three years of age with developmental delay in populations at risk of developmental delay, through measures such as:

(A) targeting at-risk populations and appropriate geographical regions; and

(B) monitoring the performance of providers of services authorized under this chapter in identifying those children; and

(3) the coordination of programs with other agencies serving children with developmental delay, including the coordination of policy issues that affect children with developmental delay who are three years of age or older.

(b) The strategy must include plans to:

(1) incorporate, strengthen, and expand similar existing local efforts;

(2) incorporate, and coordinate screening services currently provided through a public agency; ~~[and]~~

(3) establish a liaison with primary referral sources, including hospitals, physicians, public health facilities, and day-care facilities, to encourage referrals of children with developmental delay; and

(4) provide active leadership in addressing issues affecting the effectiveness of services for children with developmental delay, including issues such as the provision of respite care and development of incentives to encourage provision of respite care by providers of services authorized under this chapter.

SECTION 8. Chapter 73, Human Resources Code, is amended by adding Section 73.011 to read as follows:

Sec. 73.011. PROVIDER SELECTION. (a) The council shall select providers of services authorized under this chapter on a best value basis in a manner that:

(1) maximizes federal, private, and local sources of funding; and

(2) promotes competition when possible.

(b) The council shall determine best value as required by Subsection (a) when the council initially awards a contract to a provider and when the council considers renewal of a provider's contract.

(c) In determining whether a provider will provide best value to the council, the council shall consider:

(1) the past performance of the provider;

(2) the quality of the provider's services;

(3) the cost of the provider's services;

(4) the ability of the provider to maximize federal, private, and local sources of funding;

(5) the ability of the provider to comply with state and federal program requirements;

(6) the availability of the provider to deliver required services; and

(7) any other relevant factor.

SECTION 9. Section 73.022(a), Human Resources Code, is amended to read as follows:

(a) The council shall:

(1) ensure compliance with requirements necessary to obtain federal funds in the maximum amount and the most advantageous proportions possible;

(2) seek funding in a manner that maximizes the total amount of money available from federal, private, and local sources for programs funded under this chapter;

(3) apply for, receive, administer, and spend federal and state funds for Subchapter III [~~VII~~], Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1431 [~~1471~~] et seq.), and its subsequent amendments, dealing with infants and toddlers from birth to age three with developmental delay and their families; and

(4) [~~(3)~~] authorize and account for the classification and spending of maintenance of effort and carryover funds from all sources in carrying out the programs funded under this chapter.

SECTION 10. Section 73.023, Human Resources Code, is amended to read as follows:

Sec. 73.023. APPLICATION OF SUNSET ACT. The Interagency Council on Early Childhood Intervention is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished on September 1, 2011 [~~1999~~].

SECTION 11. (a) The Interagency Council on Early Childhood Intervention shall review the council's delivery system of services for children with developmental delay and make recommendations for improving service delivery. The recommendations must include provisions designed to improve the ability of local service providers to achieve council objectives, including:

(1) improved identification of children under the age of three years with developmental delay in populations at risk of developmental delay; and

(2) increased access to respite care.

(b) Not later than December 1, 2000, the Interagency Council on Early Childhood Intervention shall submit to the governor and the legislature a report on the review and recommendations required by this section.

SECTION 12. (a) The Health and Human Services Commission and the Interagency Council on Early Childhood Intervention shall review the system used by the council to fund programs under Chapter 73, Human Resources Code, and make recommendations for maximizing money available for the programs from federal, private, and local sources.

(b) Not later than December 1, 2000, the Health and Human Services Commission and the Interagency Council on Early Childhood Intervention shall submit to the governor and the legislature a report on the review and recommendations required by this section.

SECTION 13. Not later than March 1, 2000, the Interagency Council on Early Childhood Intervention shall:

(1) develop a plan and implementation schedule relating to the use of the appropriate system or systems required under Section 73.0051(k), Human Resources Code, as added by this Act; and

(2) submit a report on the plan and implementation schedule required by Subdivision (1) of this section to the Health and Human Services Commission, the legislature, and any legislative oversight committee with jurisdiction over the council.

SECTION 14. (a) This Act takes effect September 1, 1999.

(b) The changes in law made by this Act in the qualifications of, and the prohibitions applying to, members of the board of the Interagency Council on Early Childhood Intervention do not affect the entitlement of a member serving on the board immediately before September 1, 1999, to continue to carry out the functions of the board for the remainder of the member's term. The changes in law apply only to a member appointed on or after September 1, 1999. This Act does not prohibit a person who is a member of the board on September 1, 1999, from being reappointed to the board if the person has the qualifications required for a member under Chapter 73, Human Resources Code, as amended by this Act.

SECTION 15. 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 1610 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1610, A bill to be entitled An Act relating to the continuation, functions, and change of the name of the Texas Planning Council for Developmental Disabilities.

Senate Committee Substitute

CSHB 1610, A bill to entitled An Act relating to the continuation, functions, and change of the name of the Texas Planning Council for Developmental Disabilities.

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

SECTION 1. Section 112.001, Human Resources Code, is amended to read as follows:

Sec. 112.001. DEFINITIONS. In this chapter:

(1) "Council" means the Texas ~~Planning~~ Council for Developmental Disabilities.

(2) "Designated state ~~Administering~~ agency" means the executive agency designated by the governor to provide administrative support and fiscal management services to the council in accordance with ~~administer appropriations under the developmental disabilities program established by~~ this chapter and federal law.

(3) "Developmental disability" means a severe, chronic disability as defined by applicable federal developmental disability laws.

(4) "Applicable federal developmental disability laws" refers to the various Acts of congress providing for assistance and services to persons with

developmental disabilities [~~the developmentally disabled~~] and codified as 42 U.S.C. [~~USCA, Chapter 75,~~] Section 6000 et seq.

(5) [~~“Facility for persons with developmental disabilities” means a facility, or a specified portion of a facility, that is designed primarily for the delivery of one or more services to persons with one or more developmental disabilities, as those terms are defined in the applicable federal developmental disabilities laws.~~

[~~(6)~~] “Protection and advocacy system” means the system established in this state under the applicable federal developmental disabilities laws for the purpose of advocating for and protecting the rights of persons with developmental disabilities.

SECTION 2. Section 112.014(a), Human Resources Code, is amended to read as follows:

(a) A position on the council becomes vacant if:

(1) a member resigns from the council by providing written notice to the chair; or

(2) a member ceases to be a resident of this state[; ~~or~~

[~~(3) a member misses three consecutive regular or special council meetings~~].

SECTION 3. The heading of Subchapter B, Chapter 112, Human Resources Code, is amended to read as follows:

SUBCHAPTER B. TEXAS [~~PLANNING~~] COUNCIL FOR DEVELOPMENTAL DISABILITIES

SECTION 4. Subchapter B, Chapter 112, Human Resources Code, is amended by amending Sections 112.011, 112.012, 112.015, 112.018, 112.019, 112.020, and 112.023 and adding Sections 112.0111, 112.0161, 112.0162, 112.0163, 112.0201, 112.022, and 112.0221 to read as follows:

Sec. 112.011. ESTABLISHMENT. The Texas [~~Planning~~] Council for Developmental Disabilities is established.

Sec. 112.0111. DEFINITION. In this subchapter, “executive director” means the executive director of the council.

Sec. 112.012. MEMBERS. The members of the council shall be appointed by the governor in accordance with applicable federal developmental disability laws. Appointments to the council shall be made without regard to:

(1) the race, color, sex, religion, age, or national origin of the appointees; or

(2) the disability of the appointees, except as required by applicable federal developmental disability laws.

Sec. 112.015. EXPENSES. (a) Council members appointed under Section 112.012 [~~112.012(c) or (d) of this code~~] serve without salary but are entitled to reimbursement for actual expenses incurred in performing their duties, including travel, meals, lodging, and telephone long-distance charges.

(b) Members of the council who have a disability [~~are disabled~~] and who, because of the disability, require special aids or travel companions are entitled to reimbursement for those costs.

Sec. 112.0161. CONFLICTS OF INTEREST. (a) In this section, “Texas trade association” means a cooperative and voluntarily joined association of

business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the council and may not be a council employee employed in a “bona fide executive, administrative, or professional capacity,” as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of developmental disabilities; or

(2) the person’s spouse is an officer, manager, or paid consultant of a Texas trade association in the field of developmental disabilities.

(c) Unless otherwise required by applicable federal developmental disability laws, a person may not be a member of the council or act as the general counsel to the council if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person’s activities for compensation on behalf of a profession related to the operation of the council.

Sec. 112.0162. REMOVAL OF COUNCIL MEMBER. (a) It is a ground for removal from the council that a member:

(1) does not have at the time of taking office the qualifications required by applicable federal developmental disability laws;

(2) is ineligible for membership under Section 112.0161;

(3) fails to discharge the member’s duties for a substantial part of the member’s term; or

(4) is absent from more than half of the regularly scheduled council meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the council.

(b) The validity of an action of the council is not affected by the fact that it is taken when a ground for removal of a council member exists.

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the council of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the council, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Sec. 112.0163. COUNCIL MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the council may not vote, deliberate, or be counted as a member in attendance at a meeting of the council until the person completes a training program that complies with this section.

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

(1) the legislation that created the council;

(2) the programs operated by the council;

(3) the role and functions of the designated state agency and council under this chapter and applicable federal developmental disability laws;

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

(5) the current budget for the council;

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

(7) the requirements of:

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

(B) the public information law, Chapter 552, Government

Code;

(C) the administrative procedure law, Chapter 2001, Government Code; and

(D) other laws relating to public officials, including conflict of interest laws; and

(8) any applicable ethics policies adopted by the council or the Texas Ethics Commission.

(c) A person appointed to the council is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

Sec. 112.018. DESIGNATED STATE [ADMINISTERING] AGENCY. (a) The governor shall designate, by executive order, a state agency to provide administrative support to the council and receive [and administer] federal and state funds appropriated for the council. In accordance with federal law, the governor may select one of the following to serve as the designated state agency:

(1) the council;

(2) a state agency that does not provide or pay for services made available to persons with developmental disabilities;

(3) a state agency that provides or pays for services made available to persons with developmental disabilities if the state agency was designated by the governor under this section before June 30, 1994, and the governor has not changed the designation;

(4) a state office, including the office of the governor; or

(5) a state planning office [developmental disabilities program established by this chapter and federal law].

(b) The designated state [administering] agency shall receive, deposit, and disburse funds for the council [developmental disabilities program] in accordance with this chapter, applicable federal developmental disability laws [law], and the purposes and priorities established by the council in the state plan developed under Section 112.019 [of this code].

(c) The designated state [administering] agency, in accordance with state law and procedures, [shall make the final decision regarding the award of grants under this chapter and] shall provide for fiscal control and fund-accounting procedures necessary to assure the proper disbursement of and accounting for [grant] funds available to the council.

(d) Unless the council is serving as the designated state agency, the council [The administering agency] shall enter into a memorandum of understanding with the designated state agency that delineates the roles and responsibilities of the designated state agency under this chapter [provide

~~staff to be assigned to assist the council. The administering agency shall, within the limitations of appropriations, set aside funds necessary to adequately staff the council so that the council may perform its duties].~~

~~(e) [The administering agency shall negotiate a written management agreement with the council that must be approved by the council and by the governing board of the administering agency. The council and the administering agency shall review the management agreement annually. The management agreement must:~~

~~[(1) identify the number and positions of staff to be assigned to the council;~~

~~[(2) specify that the executive director of the developmental disabilities program is responsible to the council and that the staff is responsible to the executive director; and~~

~~[(3) comply with this chapter.~~

~~[(f)] The designated state [administering] agency may adopt rules as necessary to implement the agency's duties under [for the operation of] this chapter and [for compliance and implementation of] applicable federal developmental disability laws.~~

~~(f) A designated state agency may not assign duties to staff of the council unless the council is serving as the designated state agency.~~

Sec. 112.019. STATE PLAN FOR DEVELOPMENTAL DISABILITIES.

~~(a) The council shall develop and submit [jointly with the administering agency] the state plan for persons with developmental disabilities. The plan must conform to applicable federal developmental disability laws.~~

~~(b) Unless the council is serving as the designated state agency, the council shall consult with the designated state agency before submitting the state plan required by this section solely to:~~

~~(1) obtain appropriate assurances with respect to the plan as required by federal law; and~~

~~(2) ensure that the plan is consistent with state law.~~

Sec. 112.020. ADDITIONAL COUNCIL POWERS AND DUTIES. (a) In addition to powers and duties derived by the council from applicable federal developmental disability laws or other provisions of this chapter, the council shall:

(1) undertake at the request of the governor and the legislature activities appropriate to the achievement of legislative and executive functions relating to persons with developmental disabilities or other disabling [handicapping] conditions; ~~[and]~~

(2) submit to the governor, legislature, and other appropriate state and federal authorities periodic reports on the council's responsibilities and performance;

(3) develop and implement policies that clearly separate the policymaking responsibilities of the council and the management responsibilities of the executive director and the staff of the council; and

(4) develop and implement policies that provide the public with a reasonable opportunity to appear before the council and to speak on any issue under the jurisdiction of the council.

(b) The council may:

(1) adopt rules as necessary to implement the council's duties and responsibilities under this chapter and applicable federal developmental disability laws;

(2) approve and execute an annual budget for council activities under this chapter that is consistent with applicable federal developmental disability laws; and

(3) contract with or provide grants to agencies, organizations, or individuals as necessary to implement council activities under this chapter.

Sec. 112.0201. COMPLAINTS. (a) The council shall maintain a file on each written complaint filed with the council. The file must include:

(1) the name of the person who filed the complaint;

(2) the date the complaint is received by the council;

(3) the subject matter of the complaint;

(4) the name of each person contacted in relation to the complaint;

(5) a summary of the results of the review or investigation of the complaint; and

(6) an explanation of the reason the file was closed, if the council closed the file without taking action other than to investigate the complaint.

(b) The council shall provide to the person filing the complaint and to each person who is a subject of the complaint a copy of the council's policies and procedures relating to complaint investigation and resolution.

(c) The council, at least quarterly and until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice would jeopardize an undercover investigation.

Sec. 112.022. EXECUTIVE DIRECTOR. (a) The council shall hire an executive director in accordance with 42 U.S.C. Section 6024(c) and its subsequent amendments to carry out the policies and activities established by the council.

(b) The executive director shall hire and supervise necessary staff who will be responsible solely for carrying out activities designated by the council and consistent with:

(1) applicable federal developmental disability laws; and

(2) this chapter.

(c) The executive director or the executive director's designee shall provide to members of the council and to council employees, as often as necessary, information regarding the requirements for office or employment under this subchapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Sec. 112.0221. EQUAL EMPLOYMENT OPPORTUNITY POLICY. (a) The executive director or the executive director's designee shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin.

(b) The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the

intent of the council to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an analysis of the extent to which the composition of the council's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

(c) The policy statement must:

(1) be updated annually;

(2) be reviewed by the state Commission on Human Rights for compliance with Subsection (b)(1); and

(3) be filed with the governor's office.

Sec. 112.023. SUNSET PROVISION. The Texas [Planning] Council for Developmental Disabilities is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2011 [~~1999~~].

SECTION 5. Section 614.002(c), Health and Safety Code, is amended to read as follows:

(c) The executive head of each of the following agencies, divisions of agencies, or associations, or that person's designated representative, shall serve as a member of the council:

(1) the institutional division of the Texas Department of Criminal Justice;

(2) the Texas Department of Mental Health and Mental Retardation;

(3) the pardons and paroles division of the Texas Department of Criminal Justice;

(4) the community justice assistance division of the Texas Department of Criminal Justice;

(5) the state jail division of the Texas Department of Criminal Justice;

(6) the Texas Juvenile Probation Commission;

(7) the Texas Youth Commission;

(8) the Texas Rehabilitation Commission;

(9) the Texas Education Agency;

(10) the Criminal Justice Policy Council;

(11) the Mental Health Association in Texas;

(12) the Texas Commission on Alcohol and Drug Abuse;

(13) the Commission on Law Enforcement Officer Standards and Education;

(14) the Texas Council of Community Mental Health and Mental Retardation Centers;

(15) the Commission on Jail Standards;

(16) the Texas [Planning] Council for Developmental Disabilities;

(17) the Texas Association for Retarded Citizens;

(18) the Texas Alliance for the Mentally Ill;

(19) the Parent Association for the Retarded of Texas, Inc.;

(20) the Texas Department of Human Services; and

(21) the Texas Department on Aging.

SECTION 6. (a) Notwithstanding the options available under Section 112.018(a), Human Resources Code, as amended by this Act, and not later than October 1, 1999, the governor may change the designation of the designated state agency under Section 112.018, Human Resources Code, as amended by this Act, to the Health and Human Services Commission or other state agency if the governor determines the commission or agency meets the criteria of Section 112.018(a)(1), (2), (4) or (5), Human Resources Code, as amended by this Act.

(b) A change in the designation of the designated state agency under Section 112.018, Human Resources Code, as amended by this Act, that is made after the change in designation allowed by Subsection (a) shall be made in accordance with the law as it exists on the date on which the change is made.

SECTION 7. (a) The name of the Texas Planning Council for Developmental Disabilities is changed to the Texas Council for Developmental Disabilities. Any reference in the law to the Texas Planning Council for Developmental Disabilities means the Texas Council for Developmental Disabilities.

(b) Before using new stationery or other supplies printed with the council's name as changed by this Act, the Texas Council for Developmental Disabilities shall use all stationery and other supplies that are printed with the council's former name and that are in its possession on the effective date of this Act.

(c) The validity of a procedure adopted or other action taken by or in connection with the authority of the Texas Planning Council for Developmental Disabilities before the change of its name under Subsection (a) of this section is not affected by this Act. To the extent those actions continue to have any effect on or after the effective date of this Act, they are considered to be the actions of the Texas Council for Developmental Disabilities.

(d) Any appropriation made to the Texas Planning Council for Developmental Disabilities is available to the council under its name as changed by this Act.

SECTION 8. On the effective date of this Act, a rule that was previously adopted by the Texas Rehabilitation Commission under Section 112.018, Human Resources Code, as that section existed before amendment by this Act, and that is in effect immediately before the effective date of this Act, other than a rule relating to the implementation of the responsibilities of the commission under Section 112.018(a), (b), or (c), Human Resources Code, as amended by this Act, becomes a rule of the Texas Council for Developmental Disabilities and remains in effect until amended or repealed by the council.

SECTION 9. As soon as practicable after the effective date of this Act, the designated state agency and the Texas Council for Developmental Disabilities shall enter into the memorandum of understanding required by Section 112.018(d), Human Resources Code, as amended by this Act. The management agreement executed by the agency and council under Section 112.018(e), Human Resources Code, as that section existed before amendment by this Act, terminates on the date on which the memorandum of understanding is executed by the agency and the council.

SECTION 10. (a) This Act takes effect September 1, 1999.

(b) The changes in law made by this Act in the prohibitions applying to members of the Texas Council for Developmental Disabilities do not affect the entitlement of a member serving on the council immediately before September 1, 1999, to continue to carry out the functions of the council for the remainder of the member's term. The changes in law apply only to a member appointed on or after September 1, 1999. This Act does not prohibit a person who is a member of the council on September 1, 1999, from being reappointed to the council if the person has the qualifications required of a member under Chapter 112, Human Resources Code, as amended by this Act.

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.

RULES SUSPENDED

Representative Counts moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider **HB 3844**, **HB 3846**, and **HB 3847**.

The motion prevailed without objection.

Representative Carter moved to suspend the 5-day posting rule to allow the Committee on Urban Affairs to consider **SB 896**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

State, Federal, and International Relations, on adjournment today, Desk 128, for a formal meeting, to consider posted bills.

Pensions and Investments, on adjournment today, Desk 111, for a formal meeting, to consider **HB 2701**, **HB 3009**, and **SB 1351**.

State Recreational Resources, 30 minutes after adjournment today, E1.014, for a public hearing.

Land and Resource Management, on adjournment today, Desk 107, for a formal meeting, to consider pending business.

Human Services, on adjournment today, Desk 63, for a formal meeting, to consider the motion to correct the minutes.

Urban Affairs, 30 minutes after adjournment today, E2.016.

Ways and Means, 4 p.m. today, regular meeting room.

VOTES RECORDED

I request to be recorded voting no on the following measures:

HB 400, Amendment No. 1; **HB 541**; **HB 673**; **HB 895**; **HB 908**; **HB 938**; **HB 1687**; **HB 1804**; **HB 2209**; and **HB 2671**.

Howard

STATEMENT OF VOTE

When Record No. 151 was taken, I was absent because of the birth of my new baby. Had I been present, I would have voted yes.

Homer

CSHB 938 - REASON FOR VOTE

While I share the goals of the sponsors of this bill, I believe that we make the mistake of compartmentalizing hate rather than focusing on the broader phenomenon of hatred and how it manifests itself in society. Almost every act of violence is an act of hate, and for that reason I feel we should prosecute all acts of violence to the fullest extent of the law. The motive of a murderer does not change the outcome of his act, nor should it change the outcome of our quest for justice.

Hilderbran

ADJOURNMENT

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

The motion prevailed without objection.

The house accordingly, at 3:37 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

SB 274 to Civil Practices.

SB 601 to Judicial Affairs.

SB 890 to Insurance.

SB 956 to Insurance.

SB 961 to County Affairs.

SB 1011 to Judicial Affairs.

SB 1073 to Land & Resource Management.

SB 1419 to Ways & Means.

SB 1438 to State Affairs.

SB 1446 to Land & Resource Management.

SB 1461 to Ways & Means.

SCR 56 to Natural Resources.

SJR 41 to State Affairs.

SIGNED BY THE SPEAKER

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

Senate List No. 20

SB 43, SB 70, SB 118, SB 136, SB 158, SB 160, SB 163, SB 181, SB 283, SB 284, SB 397, SB 454, SB 455, SB 533, SB 612, SB 660, SB 952, SB 968, SB 991, SB 1368, SCR 67

House List No. 37

HB 115, HB 778, HB 986, HB 1136, HB 1142, HB 1605, HB 1848, HCR 59, HCR 88, HCR 175, HCR 176, HCR 177, HCR 205

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
Wednesday, April 28, 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 8 West, Royce
Relating to the compilation of criminal information pertaining to criminal street gangs and criminal combinations.

SB 13 Zaffirini
Relating to the consideration of income earned by certain recipients of Temporary Assistance for Needy Families benefits for eligibility determination purposes.

SB 113 Fraser
Relating to contingent fee contracts for legal services entered into by a state governmental entity and to the deposit of certain delinquent or disputed funds recovered by a state governmental entity.

- SB 194** Ogden
Relating to the creation of a complex crime unit within the Department of Public Safety of the State of Texas.
- SB 565** Jackson
Relating to the creation of a sex offender compliance unit in the Texas Department of Public Safety.
- SB 697** Duncan
Relating to credits for settlements in certain civil actions.
- SB 840** West, Royce
Relating to the automatic expunction of certain arrest records.
- SB 913** Shapleigh
Relating to the establishment and maintenance of one-stop border inspection stations by the Texas Department of Transportation in Brownsville, Laredo, and El Paso.
- SB 959** Barrientos
Relating to the law relating to architectural barriers.
- SB 980** Barrientos
Relating to the creation and operation of a multicultural mathematics and science education cooperative to provide math and science training to Texas elementary school teachers and principals.
- SB 1088** Duncan
Relating to the creation of the Texas Tech University System.
- SB 1090** Duncan
Relating to the treatment of certain contracts for purposes of determining the rollback tax rate of a taxing unit.
- SB 1187** Armbrister
Relating to judicial and court personnel training.
- SB 1291** Zaffirini
Relating to tobacco use in this state.
- SB 1345** Brown, J. E. "Buster"
Relating to the definition of a nonconforming sign and the attachment of the nonconforming, off-premise sign status to the original nonconforming, off-premise sign.
- SB 1547** Bivins
Relating to the collection of the tax on motor fuels; providing penalties.
- SB 1678** Bernsen
Relating to the regulation of social workers and social work associates; providing civil and administrative penalties.
- SCR 69** Brown, J. E. "Buster"
Acknowledging the contribution of the 586 officers memorialized on the Texas Peace Officers' Memorial.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 27

Appropriations - **HB 3011**

Business & Industry - **HB 2667, SB 1031**

Constitutional Revision, Select - **HJR 62**

County Affairs - **HB 770, HB 1374, HB 2536, HB 3114, HB 3469, HB 3776, SB 1624, SB 1626, SB 1669**

Criminal Jurisprudence - **HB 883, HB 1594, HB 1939, HB 2725, HB 2765, HB 2825, HB 2984, HB 3265**

Economic Development - **HB 501, HB 2388, HB 3427, HB 3449, SB 1107**

Energy Resources - **SB 1731**

Financial Institutions - **HB 3224**

Insurance - **HB 1097, HB 1829, HB 2049**

Land & Resource Management - **HB 2234, HB 2977, HB 3015, HB 3190, HB 3385, HB 3598, HB 3736, SB 1667**

Licensing & Administrative Procedures - **HB 1802**

Natural Resources - **HB 2045, HB 2275, HB 3812**

Pensions & Investments - **HB 166, HB 1702, HB 1999, HB 3642**

Public Health - **HB 1371, HB 1864, HB 1971, HB 2175, HB 2382, HB 2636, HB 2756, HB 2824, HB 3216, HB 3217, HB 3285, HB 3334, HB 3381, HB 3516, HB 3527, SB 44, SB 122, SB 153, SB 440**

State Recreational Resources - **SB 874**

State, Federal & International Relations - **SB 692, SB 930, SB 1327, SB 1457**

Transportation - **HB 2207, SB 749**

Urban Affairs - **HB 1575, HB 2898, HB 3326, HB 3607, HB 3654, SB 1185**

Ways & Means - **HB 3713**

ENGROSSED

April 27 - HB 160, HB 687, HB 734, HB 897, HB 1420, HB 1748, HB 1870, HB 2284, HB 2296, HB 2354, HB 2442, HB 2573, HB 2620, HB 3089, HB 3091, HB 3504, HB 3515, HB 3651, HB 3778

ENROLLED

April 27 - HB 115, HB 778, HB 986, HB 1136, HB 1142, HB 1605, HB 1848, HCR 59, HCR 152

SENT TO THE GOVERNOR

April 27 - HCR 144, HCR 152

