

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SIXTH DAY — WEDNESDAY, MAY 5, 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 221).

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; Crownover; Cuellar; Culberson; 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; 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.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; 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.

Absent, Excused — Moreno, P.

Absent — Danburg; Hawley.

The invocation was offered by Monsignor Al Doga, St. Edwards Catholic Church, Spring, as follows:

We stand before you, holy spirit, conscious of our shortcomings, but aware that we gather in your name. Come to us, remain with us, and enlighten our hearts. Give us light and strength to know your will, to make it our own, and to live it in our lives. Guide us by your wisdom, support us by your power, for you are God, sharing the glory of the father and son. You desire justice for all. Enable us to uphold the rights of others. Do not allow us to be misled by ignorance or corrupted by fear or favor. Unite us to yourself in the bond of love and keep us faithful to all that is true. As we gather today in the name of the people of the great lone star state, may we temper justice with love, so that all of our decisions may be pleasing to you, and earn the reward promised to good and faithful servants. Amen.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 42).

CAPITOL PHYSICIAN

The speaker recognized Representative Ehrhardt who presented Dr. T. Dale Ragle and his wife, Dr. Ann Gardea of Dallas as the “Doctors for the Day.”

The house welcomed Dr. Ragle and Dr. Gardea and thanked them for their 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).

HR 832 - ADOPTED

(by Maxey)

Representative Maxey moved to suspend all necessary rules to take up and consider at this time **HR 832**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 832, In memory of Roberto Celestino Villanueva.

HR 832 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The speaker recognized Representative Maxey, who introduced the family of Roberto Celestino Villanueva.

HR 788 - ADOPTED

(by Hunter and Counts)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 788**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 788, Honoring Tumbleweed Smith for his many years of radio stories.

HR 788 was read and was adopted without objection.

On motion of Representative Counts, the names of all the members of the house were added to **HR 788** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Hunter and Counts, who introduced Bob “Tumbleweed Smith” Lewis and his wife, Susan.

HR 690 - ADOPTED

(by Clark)

Representative Clark moved to suspend all necessary rules to take up and consider at this time **HR 690**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 690, Recognizing May 3-7, 1999, as Municipal Clerks Week in Texas.

HR 690 was read and was adopted without objection.

(Speaker pro tempore in the chair)

(Speaker in the chair)

INTRODUCTION OF GUEST

The speaker recognized the Mexican-American Caucus who introduced Vikki Carr.

HR 654, honoring Vikki Carr, having been previously adopted, was read.

(Danburg now present)

Ms. Carr addressed the house briefly.

LEAVE OF ABSENCE GRANTED

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

Allen on motion of Siebert.

HR 840 - ADOPTED

(by J. Jones, Glaze, and Berman)

Representative Glaze moved to suspend all necessary rules to take up and consider at this time **HR 840**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 840, In memory of Willie Lee Campbell Glass.

HR 840 was unanimously adopted by a rising vote.

On motion of Representative Brimer, the names of all the members of the house were added to **HR 840** as signers thereof.

(Speaker pro tempore in the chair)

HR 810 - ADOPTED

(by Keel)

Representative Keel moved to suspend all necessary rules to take up and consider at this time **HR 810**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 810, Congratulating the Lake Travis High School Cavalette Dance Team on winning the American Dance/Drill Team Class 4A national championship.

HR 810 was adopted without objection.

HR 811 - ADOPTED
(by Keel)

Representative Keel moved to suspend all necessary rules to take up and consider at this time **HR 811**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 811, Congratulating the Westlake High School Concert Band on its receipt of the Sudler Flag of Honor award for 1998.

HR 811 was adopted without objection.

HR 820 - ADOPTED
(by Smith)

Representative Smith moved to suspend all necessary rules to take up and consider at this time **HR 820**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 820, Honoring Charles Orean of Bedford.

HR 820 was adopted without objection.

HR 821 - ADOPTED
(by Smith)

Representative Smith moved to suspend all necessary rules to take up and consider at this time **HR 821**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 821, Commending Lisa Daly of Bedford for her civic service.

HR 821 was adopted without objection.

HR 822 - ADOPTED
(by Smith)

Representative Smith moved to suspend all necessary rules to take up and consider at this time **HR 822**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 822, Honoring Glenn Walker.

HR 822 was adopted without objection.

HR 358 - ADOPTED
(by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 358**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 358, Honoring the retirement of Burkburnett City Manager Gary Bean.

HR 358 was read and was adopted without objection.

HR 839 - ADOPTED
(by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 839**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 839, Congratulating Ron Roberts Ford in Wichita Falls on its new location and commending the company for its civic contributions.

HR 839 was adopted without objection.

HR 730 - ADOPTED
(by Green)

Representative Green moved to suspend all necessary rules to take up and consider at this time **HR 730**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 730, Recognizing Southwest Texas State University on its selection as one of three national finalists for the Distinguished Program in Teacher Education Award.

HR 730 was read and was adopted without objection.

HR 603 - ADOPTED
(by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 603**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 603, Recognizing the Students Against Destructive Decisions organization at Anderson High School for endeavoring to reduce underage drinking.

HR 603 was read and was adopted without objection.

HR 819 - ADOPTED
(by Wise)

Representative Wise moved to suspend all necessary rules to take up and consider at this time **HR 819**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 819, Honoring Manuel Tanguma, Jr., on his selection as the first Hispanic and Texan Commander of the National Catholic War Veterans.

HR 819 was adopted without objection.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative Edwards moved to set a congratulatory and memorial calendar for 9 a.m. Saturday, May 8.

The motion prevailed without objection.

**PROVIDING FOR A LOCAL, CONSENT,
AND RESOLUTIONS CALENDAR**

Representative Edwards moved to set a local, consent, and resolutions calendar for 9 a.m. Saturday, May 8.

The motion prevailed without objection.

(Hawley now present)

**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.)

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 1129 ON THIRD READING
(Kuempel and Telford - House Sponsors)**

SB 1129, A bill to be entitled An Act relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

SB 1129 was passed.

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

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

CSSJR 16 ON SECOND READING
(Hunter - House Sponsor)

CSSJR 16, A joint resolution proposing a constitutional amendment providing for the issuance of general obligation bonds to finance educational loans to students.

A record vote was requested.

CSSJR 16 was adopted by (Record 222): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; 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; 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.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; 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; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Allen; Moreno, P.

Absent — Giddings.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 422 ON THIRD READING
(P. King - House Sponsor)

SB 422, A bill to be entitled An Act relating to the sealing of juvenile records.

SB 422 was passed.

SB 891 ON THIRD READING
(Marchant - House Sponsor)

SB 891, A bill to be entitled An Act relating to the regulation of credit unions.

SB 891 was passed.

SB 1558 ON THIRD READING
(Smith - House Sponsor)

SB 1558, A bill to be entitled An Act relating to the offense of trespassing on an aircraft.

SB 1558 was passed.

SB 821 ON THIRD READING
(Olivo - House Sponsor)

SB 821, 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.

A record vote was requested.

SB 821 was passed by (Record 223): 128 Yeas, 18 Nays, 2 Present, not voting.

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

Nays — Berman; Christian; Clark; Corte; Crabb; Davis, J.; Denny; Green; Heflin; Hope; Howard; Isett; Keffer; Madden; Marchant; Seaman; Shields; Talton.

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

Absent, Excused — Allen; Moreno, P.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 223. I intended to vote no.

Hupp

I was shown voting yes on Record No. 223. I intended to vote no.

Woolley

SB 769 ON THIRD READING
(Van de Putte - House Sponsor)

SB 769, A bill to be entitled An Act relating to the creation of an advanced transportation district and authorizing the imposition of a local sales and use tax for advanced transportation.

A record vote was requested.

SB 769 was passed by (Record 224): 137 Yeas, 1 Nay, 3 Present, not voting.

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

Nay — Shields.

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

Absent, Excused — Allen; Moreno, P.

Absent — Dutton; Giddings; Green; Howard; King, T.; Tillery; Williams.

STATEMENT OF VOTE

When Record No. 224 was taken, I was in the house but away from my desk. I would have voted yes.

Tillery

GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING

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

CSSB 174 ON SECOND READING
(Junell - House Sponsor)

CSSB 174, A bill to be entitled An Act relating to codification of certain state employment matters currently prescribed by the General Appropriations Act.

Amendment No. 1

Representative Junell offered the following amendment to **CSSB 174**:

Amend **CSSB 174** by adding the following SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 391, Local Government Code, is amended by adding Section 391.0117 to read as follows:

Sec. 391.0117. SALARY SCHEDULES. (a) For each fiscal year, a commission shall adopt a salary schedule containing a classification salary schedule for classified positions and identifying and specifying the salaries for positions exempt from the classification salary schedule.

(b) The salary schedule adopted by the commission may not exceed, for classified positions, the state salary schedule for classified positions as prescribed by the General Appropriations Act adopted by the most recent legislature. A commission may adopt a salary schedule that is less than the state salary schedule.

(c) A salary for a position classified under the salary schedule may not exceed the state salary that has been approved by the state auditor's office and paid by the state for comparable work.

(d) A position may only be exempted from the classification salary schedule adopted by the commission if the exemption and the amount of salary paid for the exempt position is within the range determined appropriate for state exempt positions by the state auditor.

(e) A commission shall submit to the governor the commission's salary schedule, including the salaries of all exempt positions, not later than the 45th day before the date of the beginning of the commission's fiscal year. If the governor objects to a commission's salary schedule or a portion of the schedule, the portion of the schedule that the governor objects to may not go into effect until revisions or explanations are given that are satisfactory to the governor and the governor approves that portion of the schedule.

(f) This section does not apply to a commission if the most populous county that is a member of the commission has an actual average weekly wage that exceeds the state actual average weekly wage by 20 percent or more for the previous year as determined by the Texas Workforce Commission in its County Employment and Wage Information Report.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Junell offered the following amendment to **CSSB 174**:

Amend **CSSB 174** in SECTION 16 of the bill, in added Section 659.253, Government Code, as follows:

(1) Between "CLASSIFIED POSITION." and "A state employee" (House committee printing, page 19, line 20) insert "(a)".

(2) Add the following to the end of Section 659.253 (House committee printing, page 20, between lines 3 and 4):

(b) Except as provided by this section, a state agency that at any time during a state fiscal biennium pays a state employee an exempt salary specifically established in the General Appropriations Act may not

subsequently during the state fiscal biennium pay the employee a greater salary under Salary Schedule A, B, or C of the General Appropriations Act.

(c) A state agency that pays a state employee an exempt salary specifically established in the General Appropriations Act and that then transfers the employee to a position in which the employee is paid under Salary Schedule A, B, or C of the General Appropriations Act may not grant a merit salary increase to the employee until at least six months after the date that the agency begins to pay the employee under Salary Schedule A, B, or C of the General Appropriations Act.

(d) The Legislative Budget Board and the governor together may approve an exception to the salary limitations prescribed by this section for a state employee:

(1) on receiving the employing state agency's application for the exception; and

(2) if the employee's job responsibilities with the state agency have changed substantially during the state fiscal biennium.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Junell offered the following amendment to **CSSB 174**:

Amend **CSSB 174** in SECTION 18 of the bill, in Section 661.062(b)(5), Government Code (House committee printing, page 30, line 20), by inserting the following between "one that accrues vacation time" and the period: "if the agency agrees to pay the employee for the accrued balance of the employee's vacation time".

Amendment No. 3 was adopted without objection.

CSSB 174, as amended, was passed to third reading.

CSSB 175 ON SECOND READING (Junell - House Sponsor)

CSSB 175, A bill to be entitled An Act relating to codification of certain travel provisions in the General Appropriations Act that are applicable to state officers and employees.

Amendment No. 1

Representative Junell offered the following amendment to **CSSB 175**:

Amend **CSSB 175** in SECTION 5 of the bill, amended Section 660.074(b), Government Code (house committee printing, page 4, lines 12-13), by striking "had the passenger incurred the average economy or coach airfare" and substituting "had the passenger incurred the contract airfare, if the passenger's agency is subject to rules adopted under Section 2171.055, or the average [economy or] coach airfare, if the passenger's agency is not subject to those rules.".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Junell offered the following amendment to **CSSB 175**:

Amend **CSSB 175** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 391.011(d), Local Government Code, is amended to read as follows:

(d) A commission may not expend funds for an automobile allowance for a member of the governing body of the commission if the member holds another state, county, or municipal office. [~~Funds may be expended for reimbursement of actual travel expenses, including mileage for automobile travel, incurred while the member is engaged in the official business of the commission.~~]

SECTION _____. Chapter 391, Local Government Code, is amended by adding Section 391.0115 to read as follows:

Sec. 391.0115. RESTRICTIONS ON COMMISSION TRAVEL COSTS. In reimbursing commission personnel for travel expenses, a commission may not expend funds for travel in excess of the amount of money that may be expended for state personnel under the General Appropriations Act or travel regulations adopted by the comptroller, including any restrictions on mileage reimbursement, per diem, and lodging reimbursement rates.

Amendment No. 2 was adopted without objection.

CSSB 175, as amended, was passed to third reading.

CSSB 176 ON SECOND READING
(Junell - House Sponsor)

CSSB 176, A bill to be entitled An Act relating to codification of certain reporting and accounting requirements in the General Appropriations Act that are applicable to state agencies.

Amendment No. 1

Representative Junell offered the following amendment to **CSSB 176**:

Amend **CSSB 176** in SECTION 5 of the bill, amended Section 2101.011(c)(7), Government Code (house committee report, page 7, line 8), by striking “2155.132(a)” and substituting “2155.067”.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Junell offered the following amendment to **CSSB 176**:

Amend **CSSB 176** as follows:

(1) Add the following appropriately numbered sections to the bill:

SECTION _____. Subchapter A, Chapter 2054, Government Code, is amended by adding Section 2054.008 to read as follows:

Sec. 2054.008. CONTRACT NOTIFICATION. (a) In this section “major information system” includes:

(1) one or more computers that in the aggregate cost more than \$100,000;

(2) a service related to computers, including computer software, that costs more than \$100,000; and

(3) a telecommunications apparatus or device that serves as a voice, data, or video communications network for transmitting, switching, routing, multiplexing, modulating, amplifying, or receiving signals on the network and costs more than \$100,000.

(b) A state agency shall provide written notice to the Legislative Budget Board of a contract for a major information system. The notice must be on a form prescribed by the Legislative Budget Board and filed not later than the 10th day after the date the agency enters into the contract.

SECTION _____. Subchapter F, Chapter 2166, Government Code, is amended by adding Section 2166.2551 to read as follows:

Sec. 2166.2551. CONTRACT NOTIFICATION. The commission or an agency whose project is exempted from all or part of this chapter under Section 2166.003 shall provide written notice to the Legislative Budget Board of a contract for a construction project if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds \$14,000. The notice must be on a form prescribed by the Legislative Budget Board and filed not later than the 10th day after the date the agency enters into the contract.

SECTION _____. Subchapter A, Chapter 2254, Government Code, is amended by adding Section 2254.006 to read as follows:

Sec. 2254.006. CONTRACT NOTIFICATION. A state agency, including an institution of higher education as defined by Section 61.003, Education Code, shall provide written notice to the Legislative Budget Board of a contract for professional services, other than a contract for physician or optometric services, if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds \$14,000. The notice must be on a form prescribed by the Legislative Budget Board and filed not later than the 10th day after the date the agency enters into the contract.

SECTION _____. Subchapter B, Chapter 2254, Government Code, is amended by adding Section 2254.0301 to read as follows:

Sec. 2254.0301. CONTRACT NOTIFICATION. A state agency shall provide written notice to the Legislative Budget Board of a contract for consulting services if the amount of the contract, including an amendment, modification, renewal, or extension of the contract, exceeds \$14,000. The notice must be on a form prescribed by the Legislative Budget Board and filed not later than the 10th day after the date the entity enters into the contract.

(2) In existing SECTION 12 of the bill, amend the derivation table by inserting the following in appropriate order:

Sec. 2054.008	Sec. 92 (part)
Sec. 2166.2551	Sec. 92 (part)
Sec. 2254.006	Sec. 92 (part)
Sec. 2254.0301	Sec. 92 (part)

(3) Renumber sections of the bill accordingly.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Junell offered the following amendment to **CSSB 176**:

Amend **CSSB 176** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 391.009, Local Government Code, is amended to read as follows:

Sec. 391.009. **ROLE OF GOVERNOR AND STATE AGENCIES.** (a) To protect the public interest or promote the efficient use of public funds, the [The] governor shall adopt:

(1) rules relating to the operation and oversight of a commission;

(2) rules relating to the receipt or expenditure of funds by a commission, including:

(A) restrictions on the expenditure of any portion of commission funds for certain classes of expenses; and

(B) restrictions on the maximum amount of or percentage of commission funds that may be expended on a class of expenses, including indirect costs or travel expenses;

(3) annual reporting requirements for a commission;

(4) annual audit requirements on funds received or expended by a commission from any source;

(5) rules relating to the establishment and use of standards by which the productivity and performance of each commission can be evaluated; and

(6) [issue] guidelines that [to] commissions and governmental units shall follow in carrying [to carry] out the provisions of this chapter relating to review and comment procedures.

(b) The governor and state agencies shall provide technical information and assistance to the members and staff of a commission to increase, to the greatest extent feasible, the capability of the commission to discharge its duties and responsibilities prescribed by this chapter and to ensure compliance with the rules, requirements, and guidelines adopted under Subsection (a).

SECTION _____. Chapter 391, Local Government Code, is amended by adding Section 391.0095 to read as follows:

Sec. 391.0095. **AUDIT AND REPORTING REQUIREMENTS.** (a) The audit and reporting requirements under Section 391.009(a) shall include a requirement that a commission annually report to the governor:

(1) the amount and source of funds received by the commission;

(2) the amount and source of funds expended by the commission;

(3) an explanation of any method used by the commission to compute an expense of the commission, including computation of any indirect cost of the commission;

(4) a report of the commission's productivity and performance during the annual reporting period;

(5) a projection of the commission's productivity and performance during the next annual reporting period;

(6) the results of an audit of the commission's affairs prepared by an independent certified public accountant; and

(7) a report of any assets disposed of by the commission.

(b) The annual audit of a commission may be commissioned by the governor's office or by the commission, as determined by the governor's office, and shall be paid for from the commission's funds.

(c) A commission shall submit any other report or an audit required by the governor.

(d) If a commission fails to submit a report or audit required under this section or is determined by the governor to have failed to comply with a rule, requirement, or guideline adopted under Section 391.009, the governor may, until the failure is corrected:

(1) appoint a receiver to operate or oversee the commission; or

(2) withhold any appropriated funds of the commission.

(e) A commission shall also send to the state auditor, the comptroller, and the Legislative Budget Board a copy of a report or an audit required under this section or under Section 391.009. If the governor determines that there is a question about the appropriateness of an expenditure or other action of a commission, the governor shall report the expenditure or other action to the state auditor for review.

SECTION _____. (a) The governor shall adopt rules, requirements, and guidelines required by Sections 391.009 and 391.0095, Local Government Code, as amended or added by this Act, not later than January 1, 2000.

(b) An entity required to file an audit or a report under Section 391.009 or Section 391.0095, Local Government Code, as amended or added by this Act, shall file the initial audit or report not later than September 1, 2000.

Amendment No. 3 was adopted without objection.

CSSB 176, as amended, was passed to third reading.

CSSB 177 ON SECOND READING **(Junell - House Sponsor)**

CSSB 177, A bill to be entitled An Act relating to codification of certain provisions in the General Appropriations Act that authorize, restrict, or prohibit expenditures by public entities.

Amendment No. 1

Representative Junell offered the following amendment to **CSSB 177**:

Amend **CSSB 177** in SECTION 1 of the bill, amended Chapter 556, Government Code, by inserting the following section between Sections 556.005 and 556.006 (committee printing, page 4, between lines 18 and 19):

Sec. 556.0055.RESTRICTIONS ON LOBBYING EXPENDITURES. (a) A political subdivision or other entity that is required to register with the Texas Ethics Commission under Chapter 305, Government Code; may not use the distribution to pay:

(1) lobbying expenses incurred by the recipient of the distribution;

(2) a person or entity that is required to register with the Texas Ethics Commission under Chapter 305, Government Code;

(3) any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by Subdivisions (2) or (4); or

(4) a person or entity who has been hired to represent associations or any other public or private entities for the purpose of affecting the outcome of the legislation, agency rules, ordinances, or other government policies through the media and public relations methods or any other means of communication.

(b) The persons or entities described by Subsection (a) are not eligible to receive the money or participate either directly or indirectly in the distributions made under Section 403.105(f), Government Code.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Junell offered the following amendment to **CSSB 177**:

Amend **CSSB 177**, in SECTION 1 of the bill, amended Section 556.005, Government Code (house committee report, page 4, between lines 18 and 19), by adding the following:

(d) A state agency administering a statewide retirement plan may enter into a contract to receive assistance or advice regarding the qualified tax status of the plan or on other federal matters affecting the administration of the state agency or its programs if the contractor is not required by Chapter 305 to register as a lobbyist.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Junell offered the following amendment to **CSSB 177**:

Amend **CSSB 177** in SECTION 3 of the bill, added Section 2113.107, Government Code (house committee report, page 14, lines 3-8), by striking Subsection (g) and substituting the following:

(g) A state agency or political subdivision that uses an appropriation to publish a free periodical quarterly or less frequently shall insert annually in an issue of the periodical a notice that anyone wishing to continue receiving the periodical must so request in writing. A state agency or political subdivision that uses an appropriation to publish a free periodical more frequently than quarterly shall insert the notice annually in three consecutive issues of the periodical. The agency or political subdivision shall provide future issues of the periodical only to persons who have requested it.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Junell offered the following amendment to **CSSB 177**:

Amend **CSSB 177** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 391.011(d), Local Government Code, is amended to read as follows:

(d) A commission may not expend funds for an automobile allowance for a member of the governing body of the commission if the member holds another state, county, or municipal office. [~~Funds may be expended for reimbursement of actual travel expenses, including mileage for automobile travel, incurred while the member is engaged in the official business of the commission.~~]

SECTION _____. Chapter 391, Local Government Code, is amended by adding Sections 391.0115 and 391.0116 to read as follows:

Sec. 391.0115. RESTRICTIONS ON COMMISSION COSTS. (a) In reimbursing commission personnel for travel expenses, a commission may not expend funds for travel in excess of the amount of money that may be expended for state personnel under the General Appropriations Act or travel regulations adopted by the comptroller, including any restrictions on mileage reimbursement, per diem, and lodging reimbursement rates.

(b) A commission may not expend any funds for the purchase of alcoholic beverages or entertainment.

(c) A commission may purchase goods or a service only if the commission complies with the same provisions for purchasing goods or a service that are equivalent to the provisions, including Chapter 252, Local Government Code, applying to a local government.

(d) A commission may not spend an amount more than 15 percent of the commission's total expenditures on the commission's indirect costs. For the purposes of this subsection, the commission's capital expenditures and any subcontracts, pass-throughs, or subgrants may not be considered in determining the commission's total direct costs. In this subsection, "pass-through funds" means funds, including subgrants or subcontracts, that are received by a commission from the federal or state government or other grantor for which the commission serves merely as a cash conduit and has no administrative or financial involvement in the program, such as contractor selection, contract provisions, contract methodology payment, or contractor oversight and monitoring.

(e) In this section, "indirect costs" means costs that are not directly attributable to a single action of a commission. The governor shall use the federal Office of Management and Budget circulars A-87 and A-122 or use any rules relating to the determination of indirect costs adopted under Chapter 783, Government Code, in administering this section.

Sec. 391.0116. RESTRICTIONS ON EMPLOYMENT. (a) An employee of a commission is subject to the same rules regarding lobbying and other advocacy activities as an employee of any state agency.

(b) The nepotism provisions of Chapter 573, Government Code, apply to a commission.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representatives Heflin and Gallego offered the following amendment to **CSSB 177**:

Amend **CSSB 177** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Subtitle F, Title 10, Government Code, is amended by adding Chapter 2259 to read as follows:

CHAPTER 2259. STATE CONTRACTING STANDARDS AND OVERSIGHT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2259.001. APPLICABILITY. (a) This chapter applies only to each procurement of goods or services made by a state agency that is neither made by the General Services Commission nor made under purchasing authority delegated to the agency by or under Section 2155.131, 2155.132, 2155.133.

(b) This chapter applies to contracts and to contract management activities that are related to the procurements to which it applies.

(c) The General Services Commission on request shall determine whether a procurement or type of procurement:

(1) is made under purchasing authority delegated to an agency by or under Section 2155.131, 2155.132, or 2155.133; or

(2) is made under some other source of purchasing authority.

Sec. 2259.002. DEFINITIONS. In this chapter:

(1) "Contract" includes a grant, other than a grant made to a school district or a grant made for other academic purposes, under which the recipient of the grant is required to perform a specific act or service, supply a specific type of product, or both.

(2) "State agency" has the meaning assigned by Section 2151.002.

Sec. 2259.003. OPEN MARKET PURCHASES. This chapter does not require a state agency to purchase a good or service under contract if the agency is authorized under law to purchase the good or service on the open market.

Sec. 2259.004. COORDINATION WITH GENERAL SERVICES COMMISSION. The comptroller and the General Services Commission shall adopt a memorandum of understanding under which the comptroller and the commission coordinate, to the extent feasible, their respective duties related to procurement.

Sec. 2259.005. REPORT BY COMPTROLLER. The comptroller shall report the findings and activities of that office under this chapter annually to the Legislative Budget Board, the Legislative Audit Committee, the House Appropriations Committee, the Senate Finance Committee, the House General Investigating Committee, and the Senate General Investigating Committee.

Sec. 2259.006. COORDINATION OF CONTRACT MONITORING. The comptroller shall coordinate contract monitoring activities within and among state agencies in relation to procurements to which this chapter applies.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representatives Gallego and Heflin offered the following amendment to **CSSB 177**:

Amend **CSSB 177** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Subtitle F, Title 10, Government Code, is amended by adding Subchapter _____ to Chapter 2259 to read as follows:

SUBCHAPTER _____ . CONTRACT PROVISIONS

Sec. 2259.101. REMEDIES AND SANCTIONS SCHEDULES. (a) Each state agency shall create and incorporate in each of its contracts for goods or services that are subject to this chapter a remedies schedule, a graduated sanctions schedule, or both, for breach of the contract or substandard performance under the contract.

(b) State agencies shall design fair and feasible standards that will hold contractors accountable for breach of contract or substandard performance under a contract without diminishing the number of able providers who are willing to contract with the state.

Sec. 2259.102. CONTRACT PROVISIONS APPLICABLE TO SUBCONTRACTORS; INFORMATION ABOUT SUBCONTRACTORS; SUBSTITUTION OF SUBCONTRACTORS. (a) Each state agency shall include provisions in each of its contracts for goods or services that are subject to this chapter that ensure that all contract provisions that are relevant to or affected by subcontractor performance are applied to subcontractors. The agency may require in its contract with the contractor:

(1) that certain subcontractors must contract directly with the agency;

or

(2) that the contractor must include specified provisions in its written contracts with subcontractors.

(b) Each state agency shall include provisions in each of its contracts for goods or services that are subject to this chapter that require the primary contractor to report relevant subcontractor information to the agency.

Sec. 2259.103. LIABILITY INSURANCE COVERAGE REQUIRED. Each state agency shall, when feasible, include provisions in each of its contracts for goods or services that are subject to this chapter that require the contractor to carry director or officer liability insurance coverage in an amount not less than the value of the contract that is sufficient to protect the interests of the state in the event an actionable act or omission by a director or officer of the contractor damages the state's interests.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representatives Heflin and Gallego offered the following amendment to **CSSB 177**:

Amend **CSSB 177** by adding the following appropriately numbered SECTIONS of the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Subtitle F, Title 10, Government Code, is amended by adding Subchapter _____ to Chapter 2259 to read as follows:

SUBCHAPTER _____ , CONTRACTOR SELECTION

Sec. 2259.201. COMPETITIVE CONTRACTOR SELECTION PROCEDURES. Each state agency shall assess its contractor selection procedures and shall use competitive selection procedures to the greatest extent possible when selecting its contractors.

Sec. 2259.202. DETERMINING THE LOWEST AND BEST BID OR PROPOSAL. (a) In determining the lowest and best bid or proposal, a state agency shall consider:

- (1) the vendor's price to provide the good or service;
- (2) the probable quality of the offered good or service; and
- (3) the quality of the vendor's past performance in contracting with the agency, with other state entities, or with private sector entities.

(b) This section does not apply to a procurement covered by Section 2155.144, as added by Section 1, Chapter 1045, Acts of the 75th Legislature, Regular Session, 1997.

Sec. 2259.203. DISCLOSURE OF POTENTIAL CONTRACTOR AND SUBCONTRACTOR INFORMATION. To aid in evaluating a potential contractor's past performance and probable performance in the future, a state agency making a procurement to which this chapter applies shall require:

(1) that each potential contractor disclose in the bid, proposal, or other applicable expression of interest the identity of subcontractors it has recently used on similar contracts and the identity of subcontractors it intends to use if it is awarded the contract;

(2) that each potential contractor and each intended subcontractor of a potential contractor disclose in the bid, proposal, or other applicable expression of interest the names and addresses of its directors, its principal stockholders;

(3) that each potential contractor and each intended subcontractor of a potential contractor disclose in the bid, proposal, or other applicable expression of interest any lawsuits, sanctions, or other negative actions taken against it by the contracting agency, a contractor, or a subcontractor in connection with a previous or current contract with a state agency; and

(4) that each potential contractor and each intended subcontractor of a potential contractor:

(A) disclose in the bid, proposal, or other applicable expression of interest the current status of any license, certificate, or other permit the potential contractor or subcontractor is required to have to perform under the contract. and

(B) certify, if true, in the bid, proposal, or other applicable expression of interest that the license, certificate, or other permit has not expired or been suspended or revoked.

Sec. 2259.204. CLARITY IN REQUESTS FOR BIDS OR PROPOSALS. Before soliciting bids or proposals for a new contract or a contract renewal, a state agency shall make a formal assessment of the type of good or service to be solicited and shall provide a clear definition of that good or service in the request for bids or proposals.

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representatives Gallego and Heflin offered the following amendment to **CSSB 177**:

Amend **CSSB 177** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Subtitle F, Title 10, Government Code, is amended by adding Subchapter _____ to Chapter 2259 to read as follows:

SUBCHAPTER _____ . PAYMENT AND REIMBURSEMENT METHODS

Sec. 2259.301. PAYMENT METHODS AND CONTRACTOR SELECTION. (a) In developing contract policies, the comptroller and other state agencies shall consider the interaction of contractor selection methods and payment methods.

(b) A state agency shall compensate for the risks inherent in a lack of competition in the contractor selection process and in the use of certain payment or reimbursement methods by including appropriate provisions in the affected contracts and by appropriately increasing its contract monitoring activities for those contracts.

Sec. 2259.302. REEVALUATION OF PAYMENT AND REIMBURSEMENT RATES. (a) To ensure that its payment and reimbursement methods and rates are appropriate, each state agency that makes procurements to which this chapter applies shall reevaluate at least biennially its payment and reimbursement methods and rates, especially methods and rates based on historical funding levels or on a formula established by agency rule rather than being based on reasonable and necessary actual costs incurred.

(b) A state agency shall submit formal rate reevaluation information to the Legislative Budget Board and the comptroller as part of the agency's legislative appropriations request.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representatives Heflin and Gallego offered the following amendment to **CSSB 177**:

Amend **CSSB 177** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Subtitle F, Title 10, Government Code, is amended by adding Subchapter _____ to Chapter 2259 to read as follows:

SUBCHAPTER _____ . CONTRACTOR OVERSIGHT

Sec. 2259.401. ANNUAL ASSESSMENT OF RISK. Under the comptroller's direction, the management of each state agency that makes procurements to which this chapter applies shall assess annually the risk of fraud, abuse, or waste in its contractor selection process, contract provisions, and payment and reimbursement rates and methods and for the different types of goods and services for which it contracts that are subject to this chapter and submit a report of its findings to the Legislative Audit Committee and the Legislative Budget Board not later than January 15.

Sec. 2259.402. COSTS MUST BE REASONABLE AND NECESSARY. Each state agency shall ensure through contract management activities that all costs paid or reimbursed under a contract are reasonable and necessary.

Sec. 2259.403. RESPONSIBILITY FOR MONITORING SUBCONTRACTORS. (a) Each state agency shall establish clear guidelines in its contracts that are subject to this chapter that establish the extent to

which the agency and the extent to which the primary contractor is responsible for monitoring subcontractors.

(b) The state agency shall monitor the subcontractor's performance if the subcontractor:

(1) is performing a significant percentage of the work under the contract;

(2) receives from the agency, the contractor, or another subcontractor a significant percentage of the contract funds; or (3) is responsible for performing a key component of the work under the contract.

Sec. 2259.404. INFORMATION SHARING; COORDINATING OVERSIGHT. (a) Each state agency shall make use of information from other agencies in planning and executing fiscal and program monitoring of its contractors and subcontractors.

(b) If a contractor has a contract with more than one division of a state agency or more than one agency, the divisions or agencies shall coordinate their contract monitoring activities and share the results of their contract monitoring activities.

(c) The comptroller shall coordinate and manage activities under this section.

Sec. 2259.405. DOUBLE-BILLING. (a) Each state agency that makes procurements to which this chapter applies shall design and implement procedures to detect and report double-billing by contractors.

(b) Each state agency shall send reports of each double-billing incident to the state auditor, the comptroller, the legislature, and to any other state agency that paid the contractor involved in the double-billing incident.

Sec. 2259.406. FRAUD DETECTION TECHNOLOGIES. With the assistance of the comptroller and the state auditor, each state agency that makes procurements to which this chapter applies shall evaluate the costs and benefits of implementing new technologies in fraud detection.

Sec. 2259.407. CONTRACT MONITORING RESPONSIBILITIES. As one of its contract management policies, each state agency that makes procurements to which this chapter applies shall establish and adopt by rule a policy that clearly defines the contract monitoring roles and responsibilities, if any, of internal audit staff and other inspection, investigative, or audit staff.

Sec. 2259.408. ADDRESSING DEFICIENCIES IN PERFORMANCE. (a) Each state agency that makes procurements to which this chapter applies shall establish specific schedules for addressing deficiencies in performance the agency identifies during its contract monitoring activities. An agency shall address identified deficiencies in accordance with its schedule.

(b) As part of its regular auditing of state agency activities, the state auditor shall audit for compliance with this section and report a failure to comply to the Legislative Budget Board, the House Appropriations Committee, and the Senate Finance Committee.

Sec. 2259.409. COMPARABLE COSTS. (a) Each state agency that makes procurements to which this chapter applies shall monitor performance under a contract to verify that comparable costs are being charged for comparable goods and services.

(b) The state auditor on request shall assist a state agency's monitoring efforts under this section.

Amendment No. 9 was adopted without objection.

CSSB 177, as amended, was passed to third reading.

CSSB 130 ON SECOND READING
(Smithee - House Sponsor)

CSSB 130, A bill to be entitled An Act relating to certain unfair practices by insurers and certain related entities regarding preferred providers of health care.

Amendment No. 1

Representative Smithee offered the following amendment to **CSSB 130**:

Amend **CSSB 130** is amended as follows:

Add a new SECTION 2 to the bill to read as follows and renumber subsequent SECTIONS accordingly:

SECTION 2. Article 3.70-3C, Section 7A(b), Insurance Code, as added by this Act, does not apply to the transfer of information regarding the payment or reimbursement terms of the contract to insurers or third party administrators based on a contract between providers or a network of providers and a preferred provider organization described in Section 7A(a)(1)B. which was executed prior to the effective date of this Act.

Amendment No. 1 was adopted without objection.

CSSB 130, as amended, was passed to third reading.

CSSB 184 ON SECOND READING
(Hunter - House Sponsor)

CSSB 184, A bill to be entitled An Act relating to the student loan program administered by the Texas Higher Education Coordinating Board; authorizing the issuance of bonds.

CSSB 184 was passed to third reading.

SB 1367 ON SECOND READING
(by Wolens)

SB 1367, A bill to be entitled An Act relating to legislative access to information.

Amendment No. 1

Representative Wolens offered the following amendment to **SB 1367**:

Amend **SB 1367**, in SECTION 2 of the bill (House Committee Printing, page 1, between lines 20-21), by adding Subsections (c)-(f) to added Section 323.019, Government Code, to read as follows:

(c) In order to develop and evaluate legislative policy, the council is entitled to collect data from any state agency, including data that is confidential under state or federal law. In addition to other uses consistent with this section, the council may use data collected for the purpose of matching data from various agencies. Confidential data collected by the council does not lose its character as confidential information because of its

collection by the council, and the providing of that data to the council does not constitute a release of the information by the state agency. For the limited purpose of collecting and matching data subject to 20 U.S.C. Section 1232g or other federal law governing education records, employees of the council are considered state school officials.

(d) The council is subject to any federal law governing the release of or providing access to any personally identifiable information to the same extent as the agency from which the data is collected. The council may not release or distribute the data to any individual member of the legislature, or to any other person, in a form that contains personally identifiable information.

(e) In collecting personally identifiable information under this section, the council and the state agency from which the data is collected shall cooperate in the confidential handling of the data, such as the encoding, decoding, and reencoding of the information. Personally identifiable information may be used by the council solely for the purpose of statistical and policy analysis, including data matching, and must be destroyed immediately when no longer needed for that analysis.

(f) Using information collected and matched under this section, the council may produce and release statistical data that does not include any personally identifiable information.

Amendment No. 1 was adopted without objection.

SB 1367, as amended, was passed to third reading.

POSTPONED BUSINESS

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

SB 1755 ON SECOND READING

(Puente - House Sponsor)

SB 1755, A bill to be entitled An Act relating to modification of district lines for the election of directors for the Edwards Aquifer Authority.

SB 1755 was considered in lieu of **HB 2987**.

SB 1755 was read second time and was passed to third reading.

HB 2987 - LAID ON THE TABLE SUBJECT TO CALL

Representative Puente moved to lay **HB 2987** on the table subject to call.

The motion prevailed without objection.

SB 1307 ON SECOND READING

(Bosse - House Sponsor)

SB 1307, A bill to be entitled An Act relating to the right of an authorized agent of the Texas Natural Resource Conservation Commission to institute a suit for injunctive relief or a civil penalty for a violation or threat of violation of the law regarding on-site sewage disposal systems.

SB 1307 was considered in lieu of **HB 2630**.

SB 1307 was read second time and was passed to third reading.

HB 2630 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bosse moved to lay **HB 2630** on the table subject to call. The motion prevailed without objection.

**SB 1272 ON SECOND READING
(B. Turner and Keel - House Sponsors)**

SB 1272, A bill to be entitled An Act relating to the authority of a political subdivision to prepare and implement a regional habitat conservation plan or habitat conservation plan or to enter into a conservation agreement.

SB 1272 was considered in lieu of **CSHB 430**.

SB 1272 was read second time.

Representative Maxey raised a point of order against further consideration of **SB 1272** under Rule 8, Section 10(a) of the House Rules on the grounds that the bill is a local bill for which notice was not published as required by rule.

The chair overruled the point of order, speaking as follows:

The point of order rests on the effect of Section 5(b), which expressly makes the bill apply to the acquisition of land for which a federal permit was issued before September 1, 1999. It is argued that only one political subdivision meets or will ever meet that description.

Regardless of the correctness of the information about the number of political subdivisions made subject to Section 5(b), the bill is not a local bill for purposes of the publication of notice requirement of Rule 8, Section 10(a). Under Rule 8, Section 10(c)(3), local notice is required for a bill relating to the conservation of wildlife resources for "a specified locality." The rule contemplates a named locality. Section 5(b) is a classification scheme, akin to a population bracket, that is by definition a general law rather than a local law.

Notice is not required for a bill that limits its effect through means of a classification scheme. Accordingly, the point of order is respectfully overruled.

Amendment No. 1

Representative B. Turner offered the following amendment to **SB 1272**:

Amend **SB 1272** as follows:

(1) In SECTION 4 of the bill, between the period and "Section" (Engrossed version, page 13, line 17) add "(a)".

(2) In SECTION 4 of the bill (Engrossed version, page 13, between lines 18 and 19) add a new Subsection (b) to read as follows:

(b) The repeal by this Act of Section 83.006, Parks and Wildlife Code, notwithstanding, a county may continue to enforce a regional habitat conservation plan that has been formally approved by the United States Fish and Wildlife Service as authorized by Section 83.006(c)(2), Parks and Wildlife Code, as that section existed immediately before its repeal by this Act, and that former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative B. Turner offered the following amendment to **SB 1272**:

Amend Section 83.014(a) of **SB 1272** on page 6, lines 8-14 by striking subsection (a) and substituting a new subsection (a) to read as follows:

“(a) A governmental entity may not impose a regulation, rule, or ordinance related to endangered species unless the regulation, rule, or ordinance is necessary to implement a habitat conservation plan or regional habitat conservation plan for which the governmental entity was issued a federal permit.”

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative B. Turner offered the following amendment to **SB 1272**:

Amend Sec. 83.013(e) (2) of **SB 1272** on page 6, line 6 by inserting the “or threatened” between “endangered” and “by”.

Amendment No. 3 was adopted without objection.

SB 1272, as amended, was passed to third reading.

SB 1272 - STATEMENT OF LEGISLATIVE INTENT

In passing this bill, the Texas Legislature has expressed its will and intent to provide protections and time frames for the development and implementation of all future regional habitat conservation plans in this state. At this time, the only regional habitat conservation plan in Texas is the Balcones Canyonland Conservation Plan, sponsored by the City of Austin and Travis County. As a regional plan for which a federal permit was issued before September 1, 1999, the BCCP is exempted from all but one of the provisions of this bill. However, it is our sincere hope and expectation that the sponsors of this plan will embrace the spirit of this legislation in diligently working to complete their acquisitions for the BCCP and thereby preclude the need for future legislation to remove this exemption.

Keel
B. Turner

CSHB 430 - LAID ON THE TABLE SUBJECT TO CALL

Representative B. Turner moved to lay **CSHB 430** on the table subject to call.

The motion prevailed without objection.

HB 1860 ON SECOND READING
(by Gutierrez)

HB 1860, A bill to be entitled An Act relating to acanthosis nigricans screening in public and private schools.

HB 1860 was read second time on May 3 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Gutierrez offered the following amendment to **HB 1860**:

Amend **HB 1860** by striking all below the enacting clause and substituting the following:

SECTION 1. DEFINITIONS. In this Act:

(1) "Acanthosis nigricans" means a light brown or black velvety, rough, or thickened area on the surface of the skin that may signal high insulin levels indicative of insulin resistance.

(2) "Executive council" means the executive council of the Texas-Mexico Border Health Coordination Office of The University of Texas System.

(3) "Office" means the Texas-Mexico Border Health Coordination Office of The University of Texas System.

(4) "Professional examination" means a diagnostic evaluation performed by an appropriately licensed professional.

(5) "School" means an educational institution that admits children who are five years of age or older but younger than 21 years of age.

(6) "Screening test" means a rapid analytical procedure to determine the need for further diagnostic evaluation.

SECTION 2. PILOT PROGRAM ESTABLISHED. Not later than the 1999-2000 school year, the Texas-Mexico Border Health Coordination Office of The University of Texas System shall establish an acanthosis screening pilot program in accordance with this Act. The pilot program applies only in El Paso, Hudspeth, Cameron, Hidalgo, Jim Hogg, Starr, Webb, Willacy, and Zapata counties.

SECTION 3. ACANTHOSIS NIGRICANS SCREENING PILOT PROGRAM. (a) The executive council by rule shall require screening of individuals who attend public or private schools to detect acanthosis nigricans. In developing the rules, the executive council may consider the number of individuals to be screened and the availability of personnel qualified to administer the required screening.

(b) The rules must include procedures necessary to administer screening activities.

(c) The office shall require acanthosis nigricans screening to be performed at the same time hearing and vision screening is performed under Chapter 36, Health and Safety Code.

(d) The office may coordinate the acanthosis nigricans screening activities of school districts, private schools, state agencies, volunteer organizations, and other entities so that the efforts of each entity are complementary and not fragmented and duplicative. The office may provide technical assistance to those entities in developing screening programs and may provide educational and other material to assist local screening activities.

(e) The office shall monitor the quality of screening activities provided under this Act.

SECTION 4. COMPLIANCE WITH SCREENING REQUIREMENTS. (a) Each individual required by rules adopted under this Act to be screened shall undergo approved screening for acanthosis nigricans. The individual shall comply with the requirements as soon as possible after the individual's

admission to a school and as required by rule. The individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian may substitute a professional examination for the screening.

(b) An individual is exempt from screening if screening conflicts with the tenets and practices of a recognized church or religious denomination of which the individual is an adherent or a member. To qualify for the exemption, the individual or, if the individual is a minor, the individual's parent, managing conservator, or guardian must submit to the chief administrator of the school on or before the day of the screening procedure an affidavit stating the objections to the screening.

(c) The chief administrator of each school shall ensure that each individual admitted to the school complies with the screening requirements set by the executive council or submits an affidavit of exemption.

SECTION 5. RECORDS; REPORTS. (a) The chief administrator of each school shall maintain, on a form prescribed by the executive council, screening records for each individual in attendance, and the records are open for inspection by the office or the local health department.

(b) The office may, directly or through local health departments, enter a school and inspect records maintained by the school relating to screening for acanthosis nigricans.

(c) An individual's screening records may be transferred among schools without the consent of the individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian.

(d) The person performing the screening shall send a report indicating that an individual may have acanthosis nigricans to the individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian. The report must include:

- (1) an explanation of acanthosis nigricans and related conditions;
- (2) a statement concerning an individual's or family's access to financial or medical assistance for evaluation and treatment of conditions related to acanthosis nigricans; and

- (3) instructions to help the individual or family receive evaluation and treatment.

(e) Each school shall submit to the office an annual report on the screening status of the individuals in attendance during the reporting year and shall include in the report any other information required by the office. The report must be on a form prescribed by the executive council and must be submitted according to the executive council's rules.

SECTION 6. REPORTS. Not later than January 1, 2001, the Texas-Mexico Border Health Coordination Office of The University of Texas System shall submit to the governor and the legislature a report concerning the effectiveness of the pilot program established under this Act.

SECTION 7. EXPIRATION DATE. This Act expires September 1, 2001.

SECTION 8. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 2

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

Amend the Gutierrez amendment to **HB 1860** as follows:

1. On page 1, beginning on line 18, strike section (6) and substitute as follows:

(6) "Screening test" means a rapid analytical procedure to determine the need for further diagnostic evaluation. The term does not include the removal or partial removal of clothing.

Amendment No. 2 was adopted without objection.

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

HB 1860, 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. 2).

HB 2968 ON SECOND READING

(by Corte)

HB 2968, A bill to be entitled An Act relating to the fee imposed on certain criminal convictions for records management and preservation services.

HB 2968 was read second time on May 4, amended once, and was postponed until 10 a.m. today.

Representative Corte moved to postpone consideration of **HB 2968** until 10 a.m. Monday, May 10.

The motion prevailed without objection.

CSHB 3517 ON SECOND READING

(by Goodman, Keel, et al.)

CSHB 3517, A bill to be entitled An Act relating to the detention, adjudication, and disposition of certain persons within the juvenile justice system.

CSHB 3517 was read second time on May 4 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Goodman offered the following amendment to **CSHB 3517**:

Amend **CSHB 3517** by adding a new subsection (d) at the end of SECTION 34 of the bill that reads as follows:

(d) The change in law made by Section 8 of this Act applies to discretionary transfer proceedings in which the discretionary transfer petition or motion was filed on or after the effective date of this act.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Zbranek offered the following amendment to **CSHB 3517**:

Amend **CSHB 3517** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 25, Education Code, is amended by adding Section 25.0011 to read as follows:

Sec. 25.0011. CERTAIN INCARCERATED CHILDREN. (a) For purposes of Section 25.001, a person is not considered to reside in a school district if:

(1) the person is incarcerated in a private juvenile detention facility in the district as a result of the order of a court in another state; and

(2) the person resided in another state or country immediately before incarceration in the facility.

(b) A school district may provide educational services to a person described by Subsection (a) if the district is fully compensated for the cost of the services through payment of tuition for the person by the operator of the juvenile detention facility or other person having lawful control of the person in an amount equal to the actual cost of educating the person.

(c) For purposes of this section, “private juvenile detention facility” means a juvenile detention facility that is not operated by a governmental entity.

SECTION _____. The change in law made by Section 25.0011, Education Code, as added by this Act, applies beginning with the 1999-2000 school year.

Amendment No. 2 was adopted without objection.

Amendment No. 3

On behalf of Representative S. Turner, Representative Goodman offered the following amendment to **CSHB 3517**:

Amend **CSHB 3517** as follows:

(1) On page 23, line 12, strike “is not required” and substitute “may be ordered”.

(2) On page 33, line 25, strike “is not required” and substitute “may be ordered”.

(3) On page 42, line 3, strike “Sections 58.002 (a) and (c), Family Code, are” and substitute “Section 58.002 (a), Family Code, is”.

(4) On page 42, strike lines 11-26.

(5) On page 43, line 1, strike “amending Subsection (b) and”.

(6) On page 43, strike lines 3-27.

(7) On page 44, strike line 1.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Puente offered the following amendment to **CSHB 3517**:

Amend **CSHB 3517** by adding the following appropriately numbered SECTIONS to the bill and renumbering the remaining SECTIONS of the bill and the references to those SECTIONS in the bill accordingly:

SECTION _____. Section 54.04, Family Code, is amended by amending Subsection (l) and adding Subsection (q) to read as follows:

(l) ~~Except as provided by Subsection (q), a [A] court or jury may place a child on probation under Subsection (d)(1) [of this section] for any period, except that probation may not continue on or after the child's 18th birthday.~~ Except as provided by Subsection (q), the [The] court may, before the period of probation ends, extend the probation for any period, except that the probation may not extend to or after the child's 18th birthday.

(q) If a court or jury sentences a child to commitment in the Texas Youth Commission under Subsection (d)(3) for a term of not more than 10 years, the court or jury may place the child on probation under Subsection (d)(1) as an alternative to making the disposition under Subsection (d)(3). The court shall prescribe the period of probation ordered under this subsection for a term of not more than 10 years. The court may, before the sentence of probation expires, extend the probationary period under Section 54.05, except that the sentence of probation and any extension may not exceed 10 years. The court may, before the child's 18th birthday, discharge the child from the sentence of probation. If a sentence of probation ordered under this subsection and any extension of probation ordered under Section 54.05 will continue after the child's 18th birthday, the court shall discharge the child from the sentence of probation on the child's 18th birthday unless the court transfers the child to an appropriate district court under Section 54.051.

SECTION _____. Section 54.05, Family Code, is amended by amending Subsections (f)-(h) and adding Subsection (j) to read as follows:

(f) Except as provided by Subsection (j), a [A] disposition based on a finding that the child engaged in delinquent conduct may be modified so as to commit the child to the Texas Youth Commission if the court after a hearing to modify disposition finds by a preponderance of the evidence that the child violated a reasonable and lawful order of the court. A disposition based on a finding that the child engaged in habitual felony conduct as described by Section 51.031 [of this code] or in delinquent conduct that included a violation of a penal law listed in Section 53.045(a) [of this code] may be modified to commit the child to the Texas Youth Commission with a possible transfer to the institutional division or the pardons and paroles division of the Texas Department of Criminal Justice for a definite term prescribed by Section 54.04(d)(3) [of this code] if the original petition was approved by the grand jury under Section 53.045 [of this code] and if after a hearing to modify the disposition the court [or jury] finds that the child violated a reasonable and lawful order of the court.

(g) Except as provided by Subsection (j), a [A] disposition based solely on a finding that the child engaged in conduct indicating a need for supervision may not be modified to commit the child to the Texas Youth Commission. A new finding in compliance with Section 54.03 [of this code] must be made that the child engaged in delinquent conduct as defined in Section 51.03(a) [of this code].

(h) A hearing shall be held prior to commitment to the Texas Youth Commission as a modified disposition. In other disposition modifications, the

child and the child's [his] parent, guardian, guardian ad litem, or attorney may waive hearing in accordance with Section 51.09 [of this code. A child in jeopardy of a sentence for a determinate term is entitled to a jury of 12 persons on the issues of the violation of the court's orders and the sentence].

(j) If, after conducting a hearing to modify disposition without a jury, the court finds by a preponderance of the evidence that a child violated a reasonable and lawful condition of probation ordered under Section 54.04(q), the court may modify the disposition to commit the child to the Texas Youth Commission under Section 54.04(d)(3) for a term that does not exceed the original sentence assessed by the court or jury.

SECTION _____. Chapter 54, Family Code, is amended by adding Section 54.051 to read as follows:

Sec. 54.051. TRANSFER OF DETERMINATE SENTENCE PROBATION TO APPROPRIATE DISTRICT COURT. (a) On motion of the state concerning a child who is placed on probation under Section 54.04(q) for a period, including any extension ordered under Section 54.05, that will continue after the child's 18th birthday, the juvenile court shall hold a hearing to determine whether to transfer the child to an appropriate district court or discharge the child from the sentence of probation.

(b) The hearing must be conducted before the child's 18th birthday and in the same manner as a hearing to modify disposition under Section 54.05.

(c) If, after a hearing, the court determines to discharge the child, the court shall specify a date on or before the child's 18th birthday to discharge the child from the sentence of probation.

(d) If, after a hearing, the court determines to transfer the child, the court shall transfer the child to an appropriate district court on the child's 18th birthday.

(e) A district court that exercises jurisdiction over a child transferred under Subsection (d) shall place the child on community supervision under Article 42.12, Code of Criminal Procedure, for the remainder of the child's probationary period and under conditions consistent with those ordered by the juvenile court. If a child who is placed on community supervision under this subsection violates a condition of that supervision or if the child violated a condition of probation ordered under Section 54.04(q) and that probation violation was not discovered by the state before the child's 18th birthday, the district court shall dispose of the violation of community supervision or probation, as appropriate, in the same manner as if the court had originally exercised jurisdiction over the case. The time that a child serves on probation ordered under Section 54.04(q) is the same as time served on community supervision ordered under this subsection for purposes of determining the child's eligibility for early discharge from community supervision under Section 20, Article 42.12, Code of Criminal Procedure.

(f) The juvenile court may transfer a child to an appropriate district court as provided by this section without a showing that the child violated a condition of probation ordered under Section 54.04(q).

Amendment No. 4 was adopted without objection.

CSHB 3517, as amended, was passed to engrossment.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 1652 ON THIRD READING
(by Maxey, Danburg, Ehrhardt, Capelo, and McClendon)**

HB 1652, A bill to be entitled An Act relating to an education and prevention program for hepatitis C.

HB 1652 was passed. (Berman recorded voting no)

**HB 1919 ON THIRD READING
(by Gallego, Isett, Clark, Farabee, et al.)**

HB 1919, A bill to be entitled An Act relating to legislative review of health care benefits that are mandated to be provided by health benefit plans.

HB 1919 was passed.

**HB 1498 ON THIRD READING
(by Janek, Siebert, A. Reyna, et al.)**

HB 1498, A bill to be entitled An Act relating to the availability of health benefit coverage options for health maintenance organization eligible enrollees.

HB 1498 was passed.

**HB 2815 ON THIRD READING
(by Junell)**

HB 2815, A bill to be entitled An Act relating to the petroleum storage tank program; providing a penalty.

HB 2815 was passed.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 1398 ON SECOND READING
(by Coleman, Farabee, et al.)**

CSHB 1398, A bill to be entitled An Act relating to indigent health care.

Amendment No. 1

Representative Coleman offered the following amendment to **CSHB 1398**:

Amend **CSHB 1398** as follows:

(1) On page 25, between lines 13 and 14, insert the following:

(f) Except as provided by Subsection (e), the account shall be allocated for payment to tertiary facilities for the facilities' unreimbursed tertiary medical services.

(g) This chapter may not be construed to authorize the department to use funds to provide reimbursement to tertiary care facilities under this subchapter other than funds appropriated for that purpose in the General Appropriations Act.

(2) On page 26, line 5, strike “was a designated” and substitute “operated as a”.

(3) On page 26, strike lines 13-20 and substitute the following:

(c) Except as provided by Subsection (d), each year the comptroller shall pay a tertiary care facility the certified amount declared under Subsection (a) from the funds specified under Section 46.003(f).

(d) If in any year the total cost of unreimbursed tertiary medical services certified under Subsection (a) for all tertiary care facilities exceeds the amount available for payment to the facilities under Section 46.003(f), the department shall allocate the amount available under Section 46.003(f) to each facility based on the percentages computed by dividing the cost of the facility’s unreimbursed tertiary medical services by the total cost of all facilities’ unreimbursed tertiary medical services. The comptroller shall pay each tertiary care facility based on the allocation made under this subsection.

(4) On page 26, line 21, strike “(d)” and substitute “(e)”.

(5) On page 27, strike line 13 and insert the following:

(c) Except as provided by Subsection (d), the comptroller shall pay the tertiary care facility the certified amount declared under Subsection (b) from allocated funds specified under Section 46.003(e).

(d) If in any year the total cost of unreimbursed tertiary medical services certified under Subsection (b) for all tertiary care facilities exceeds the amount available for payment to the facilities under Section 46.003(e), the department shall allocate the amount available under Section 46.003(e) to each facility based on the percentages computed by dividing the cost of the facility’s unreimbursed tertiary medical services incurred during emergencies by the total cost of all facilities’ unreimbursed tertiary medical services incurred during emergencies. The comptroller shall pay each tertiary care facility based on the allocation made under this subsection.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Coleman offered the following amendment to **CSHB 1398**:

Amend **CSHB 1398** by striking page 18, line 18, through page 19, line 2, and substituting the following:

SECTION 1.17. Section 61.054, Health and Safety Code, is amended to read as follows:

Sec. 61.054. BASIC [MANDATORY] HEALTH CARE SERVICES PROVIDED BY A PUBLIC HOSPITAL. (a) Except as provided by Subsection (c), a [A] public hospital shall endeavor to provide the basic health care [inpatient and outpatient hospital] services a county is required to provide under Section 61.028 [61.028(a)(1)].

(b) If a public hospital provided additional health care services to eligible residents during the operating year that ended before January 1, 1985, the hospital shall continue to provide those services.

(c) A public hospital shall coordinate the delivery of basic health care services to eligible residents and may provide any basic health care services the hospital was not providing on January 1, 1999, but only to the extent the hospital is financially able to do so.

(d) A public hospital may provide [additional] health care services in addition to basic health care services.

SECTION 1.18. Section 61.055, Health and Safety Code, is amended to read as follows:

Sec. 61.055. BASIC HEALTH CARE SERVICES PROVIDED BY HOSPITAL DISTRICTS. (a) Except as provided by Subsection (b), a [A] hospital district shall endeavor to provide the basic health care services a county is required to provide under Section 61.028, together with any other services required under the Texas Constitution and the statute creating the district.

(b) A hospital district shall coordinate the delivery of basic health care services to eligible residents and may provide any basic health care services the district was not providing on January 1, 1999, but only to the extent the district is financially able to do so.

(c) This section may not be construed to discharge a hospital district from its obligation to provide the health care services required under the Texas Constitution and the statute creating the district.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Coleman offered the following amendment to **CSHB 1398**:

Amend **CSHB 1398** on page 16, between lines 21 and 22, by inserting the following:

(j) Notwithstanding Subsections (b), (d), (e), and (f), the minimum expenditure level imposed under those subsections is 10 percent of the county general revenue levy for the year and the notice required to be made to the department under Subsection (b) (2) is not required to be made before the county has spent at least eight percent of the applicable county general revenue for that year. The department may adopt rules as necessary to implement the transition contemplated by this subsection. This subsection expires August 31, 2001.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Coleman offered the following amendment to **CSHB 1398**:

Amend **CSHB 1398** as follows:

(1) On page 3, line 11, between “department” and the period, insert “in accordance with the application, documentation, and verification procedures established by the department under Section 61.006”.

(2) On page 4, line 3, strike “21st” and substitute “45th [21st]”.

(3) On page 5, line 25, strike “22” and substitute “17”.

(4) On page 5, following line 27, insert the following:

(b-2) Notwithstanding Subsection (b), effective January 1, 2001, the

minimum eligibility standards must incorporate a net income eligibility level equal to 21 percent of the federal poverty level based on the federal Office of Management and Budget poverty index. This subsection expires December 31, 2001.

(5) On page 8, strike lines 18-27 and substitute the following: eligibility for residents than prescribed by Subsection (a). A county may credit toward eligibility for state assistance under this subchapter the services provided to each person who is an eligible resident under a standard that incorporates a net income eligibility level that is less than 50 percent of the federal poverty level based on the federal Office of Management and Budget poverty index.

(6) Strike page 9, lines 1-10, and renumber subsequent SECTIONS of ARTICLE 1 of the bill appropriately.

(7) On page 10, strike lines 4-5 and substitute the following:

(3) [~~(2)~~] rural health clinics;

(8) On page 15, line 24, between “demonstrates” and “that”, insert “, through an appropriate actuarial analysis.”.

(9) On page 28, line 9, strike “and”.

(10) On page 28, line 18, between “level” and the period, insert the following:
“; and

(3) study the financing of basic health care services by counties, hospital districts, and public hospitals under Chapter 61, Health and Safety Code, including the use of:

(A) local, state, and federal funds; and

(B) the funds distributed to political subdivisions under the Agreement Regarding Disposition of Settlement Proceeds filed on July 24, 1998, in the United States District Court, Eastern District of Texas, in the case styled The State of Texas vs. The American Tobacco Co., et al., No. 5-96CV-91.”

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Thompson offered the following amendment to **CSHB 1398**:

Amend **CSHB 1398** by adding a new section to read as follows, to be numbered appropriately and inserted in the appropriate location in the bill:

SECTION _____. Subchapter C, Chapter 281, Health and Safety Code, is amended by adding Section 281.0514 to read as follows:

Sec. 281.0514. HARRIS COUNTY HOSPITAL DISTRICT; CONTRACT WITH CERTAIN HOSPITALS. (a) The Harris County Hospital District shall contract for indigent health care services with at least one hospital that is:

(1) located in the district;

(2) exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt entity under any subdivision of Section 501(c) of that code; and

(3) substantially devoted to providing hospital services to socially

and economically disadvantaged individuals in the geographical area of the district.

(b) A contract under this section is subject to Section 281.051(a).

Amendment No. 5 was adopted without objection.

A record vote was requested.

CSHB 1398, as amended, was passed to engrossment by (Record 225): 109 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Bonnen; Bosse; Brown, F.; Burnam; Capelo; Carter; Chavez; Christian; Clark; Coleman; Cook; Counts; Craddick; Cuellar; Danburg; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Hawley; Hilbert; Hinojosa; Hochberg; Hodge; Homer; Hope; Hunter; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, T.; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McClendon; McReynolds; Moreno, J.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Smith; Smithee; Solis, J.; Solis, J. F.; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Van de Putte; Walker; West; Williams; Wilson; Wolens; Yarbrough; Zbranek.

Nays — Berman; Brimer; Brown, B.; Chisum; Corte; Crabb; Crownover; Culberson; Denny; Green; Grusendorf; Hardcastle; Hartnett; Heflin; Hill; Howard; Hupp; King, P.; Krusee; Madden; McCall; Merritt; Nixon; Shields; Siebert; Solomons; Staples; Talton; Truitt; Wohlgemuth; Woolley.

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

Absent, Excused — Allen; Moreno, P.

Absent — Goodman; Hilderbran; Mowery; Ramsay; Uresti; Wise.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 225. I intended to vote no.

J. Davis

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

I was shown voting no on Record No. 225. I intended to vote yes.

McCall

When Record No. 225 was taken, I was temporarily out of the house chamber at the senate. I would have voted yes.

Ramsay

CSHB 1516 ON SECOND READING
(by Gallego)

CSHB 1516, A bill to be entitled An Act relating to the representation of applicants for writs of habeas corpus in capital cases.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 1516**:

Amend **CSHB 1516** as follows:

(1) On page 4, strike line 2 and substitute the following:
“this section as provided by Section 2A [~~from state funds~~]. [~~The court shall appoint and~~”.

(2) On page 4, strike lines 21-23 and substitute “the maximum reimbursement provided by the state.”

(3) On page 5, strike line 2 and substitute “to exceed the maximum reimbursement provided by the state.”

Amendment No. 1 was adopted without objection.

CSHB 1516, as amended, was passed to engrossment.

CSHB 211 ON SECOND READING
(by Hochberg)

CSHB 211, A bill to be entitled An Act relating to compliance by school districts and open-enrollment charter schools with the public information law and the open meetings law.

(Speaker in the chair)

Amendment No. 1

Representative Wohlgemuth offered the following amendment to **CSHB 211**:

Amend **CSHB 211**, in SECTION 3 of the bill, proposed Section 552.3241, Government Code, on page 2, at the end of line 20, by adding “This section applies only to information that:

(1) relates to a student or former student of the school district or school;
and

(2) is requested from the school district or school by a parent or guardian of the student or former student.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Denny offered the following amendment to **CSHB 211**:

Amend **CSHB 211** by Hochberg on Second reading, Page 2, by inserting a new SECTION 5 to read as follows and renumbering the old SECTION 5 accordingly.

SECTION 5. Section 26.007 (b), Education Code, is amended to read as follows:

(b) A board of trustees of a school district must hold each public meeting of the board within the boundaries of the district except as required by law or except to hold a joint meeting with another school district or with another

governmental entity, as defined by Section 2051.041, Government Code, if the boundaries of the governmental entity are in whole or in part within the boundaries of the district. All public meetings must comply with Chapter 551, Government Code.

Amendment No. 2 was adopted without objection.

A record vote was requested.

CSHB 211, as amended, was passed to engrossment by (Record 226): 92 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Cook; Counts; Crownover; Cuellar; Danburg; Davis, Y.; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hunter; Janek; Jones, J.; Junell; Keel; King, T.; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Noriega; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Smith; Solis, J.; Solis, J. F.; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Culberson; Davis, J.; Delisi; Elkins; George; Green; Grusendorf; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Jones, C.; Jones, D.; Keffer; King, P.; Krusee; Kuempel; Madden; Marchant; McCall; Merritt; Nixon; Palmer; Seaman; Shields; Siebert; Smithee; Solomons; Staples; Swinford; Talton; Truitt; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Moreno, P.

Absent — Oliveira.

STATEMENTS OF VOTE

I was shown voting no on Record No. 226. I intended to vote yes.

B. Brown

I was shown voting no on Record No. 226. I intended to vote yes.

F. Brown

I was shown voting no on Record No. 226. I intended to vote yes.

Christian

I was shown voting yes on Record No. 226. I intended to vote no.

Crownover

I was shown voting no on Record No. 226. I intended to vote yes.

J. Davis

I was shown voting yes on Record No. 226. I intended to vote no.

Denny

I was shown voting no on Record No. 226. I intended to vote yes.

Hope

I was shown voting no on Record No. 226. I intended to vote yes.

Hupp

I was shown voting no on Record No. 226. I intended to vote yes.

Keffer

I was shown voting no on Record No. 226. I intended to vote yes.

P. King

I was shown voting no on Record No. 226. I intended to vote yes.

Seaman

I was shown voting no on Record No. 226. I intended to vote yes.

Staples

I was shown voting no on Record No. 226. I intended to vote yes.

Truitt

I was shown voting no on Record No. 226. I intended to vote yes.

Wohlgemuth

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. 22).

GENERAL STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 1504 ON THIRD READING (by Goolsby)

HB 1504, A bill to be entitled An Act relating to the establishment of a consortium of Alzheimer's disease centers.

A record vote was requested.

HB 1504 was passed by (Record 227): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Cuellar; Culbertson; 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.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Palmer; Pickett; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Moreno, P.

Absent — Reyna, A.

HB 610 ON THIRD READING
(by Janek, Christian, and Naishtat)

HB 610, A bill to be entitled An Act relating to health care providers under certain health benefit plans.

HB 610 was passed.

HB 2111 ON THIRD READING
(by Bonnen)

HB 2111, A bill to be entitled An Act relating to the punishment of certain individuals convicted of third degree felonies or state jail felonies.

Amendment No. 1

Representative Haggerty offered the following amendment to **HB 2111**:

Amend **HB 2111**, Second Reading Engrossment, by striking page 1, line 20 through page 2, line 4.

Amendment No. 1 was adopted.

HB 2111, as amended, was passed.

HB 1111 ON THIRD READING
(by Williams and Hope)

HB 1111, A bill to be entitled An Act relating to the dissolution of the Montgomery County Hospital District.

HB 1111 was passed.

HB 3182 ON THIRD READING
(by Grusendorf)

HB 3182, A bill to be entitled An Act relating to procedures applicable in a suit filed by a landlord to evict a tenant and recover unpaid rent.

HB 3182 was passed.

HB 1620 ON THIRD READING
(by Wohlgemuth)

HB 1620, A bill to be entitled An Act relating to the regulation of aircraft on water.

HB 1620 was passed.

HB 1461 ON THIRD READING
(by Dunnam)

HB 1461, A bill to be entitled An Act relating to oversight of and public access to the supreme court and the court of criminal appeals.

HB 1461 was passed. (Keel, Shields, and Swinford recorded voting no)

HB 1275 ON THIRD READING
(by Luna)

HB 1275, A bill to be entitled An Act relating to providing a parent with a copy of a special education student's education plan translated into the parents native language.

A record vote was requested.

HB 1275 was passed by (Record 228): 98 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Bonnen; Bosse; Burnam; Capelo; Carter; Chavez; Christian; Coleman; Cook; Counts; Cuellar; Danburg; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hardcastle; Hinojosa; Hochberg; Hodge; Homer; Hunter; Janek; Jones, D.; Jones, J.; Junell; Keffer; King, T.; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Mowery; Naishtat; Najera; Noriega; Olivo; Palmer; Pickett; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Siebert; Smith; Solis, J.; Solis, J. F.; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Berman; Brimer; Brown, B.; Brown, F.; Chisum; Clark; Corte; Crabb; Craddick; Crownover; Culberson; Delisi; Denny; Elkins; George; Green; Grusendorf; Hamric; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Jones, C.; Keel; King, P.; Krusee; Kuempel; Madden; Marchant; Morrison; Nixon; Pitts; Shields; Smithee; Solomons; Staples; Swinford; Talton; Truitt; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Moreno, P.

Absent — Averitt; Davis, J.; Oliveira.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 228. I intended to vote no.
Bonnen

I was shown voting no on Record No. 228. I intended to vote yes.
Shields

HB 91 ON THIRD READING

(by Giddings, Thompson, Chavez, Clark, et al.)

HB 91, A bill to be entitled An Act relating to prohibiting female genital mutilation; imposing a penalty.

HB 91 was passed.

HB 1882 ON THIRD READING

(by Naishtat)

HB 1882, A bill to be entitled An Act relating to requiring the Texas Higher Education Coordinating Board to approve formula funding for certain doctoral students.

A record vote was requested.

HB 1882 was passed by (Record 229): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Absent — Alvarado; Oliveira.

HB 2445 ON THIRD READING

(by Kuempel)

HB 2445, A bill to be entitled An Act relating to warnings or the dissemination of information to the public by governmental entities concerning flood events or flood conditions.

Amendment No. 1

Representative Clark offered the following amendment to **HB 2445**:

Amend **HB 2445** on third reading in added Section 16.403, Water Code, by striking “a good faith effort” and substituting “an effort”.

Amendment No. 1 failed of adoption.

HB 2445 was passed.

HB 2748 ON THIRD READING
(by Smithee)

HB 2748, A bill to be entitled An Act relating to coverage for certain care for children provided through a health maintenance organization.

HB 2748 was passed.

HB 1379 ON THIRD READING
(by Allen)

HB 1379, A bill to be entitled An Act relating to the information about an inmate of the Texas Department of Criminal Justice that is subject to public disclosure or excepted from public disclosure.

A record vote was requested.

HB 1379 was passed by (Record 230): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; 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; Glaze; Goodman; 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.; 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; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Moreno, P.

Absent — Giddings; Goolsby; Oliveira; Telford; Wolens.

HB 3544 ON THIRD READING
(by Hodge)

HB 3544, A bill to be entitled An Act relating to student loan repayment assistance for certain dentists.

HB 3544 was passed.

HB 3697 ON THIRD READING
(by Siebert, Eiland, and Brimer)

HB 3697, A bill to be entitled An Act relating to the operation of the Texas Workers' Compensation Insurance Fund and the disposition of certain surpluses of that fund.

HB 3697 was passed.

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

HB 27 ON SECOND READING
(by Goolsby)

HB 27, A bill to be entitled An Act relating to the medical records of the patient of a physician.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Coleman, Representative Goolsby offered the following committee amendment to **HB 27**:

Amend **HB 27** as follows:

On page 1, line 17 strike the word "Notwithstanding" and insert the words "In accordance with".

Amendment No. 1 was adopted without objection.

HB 27, as amended, was passed to engrossment.

HB 143 ON SECOND READING
(by Thompson, Chavez, and A. Reyna)

HB 143, A bill to be entitled An Act relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

HB 143 was passed to engrossment.

CSHB 537 ON SECOND READING
(by Danburg, et al.)

CSHB 537, A bill to be entitled An Act relating to telephone solicitation; providing penalties.

Representative Corte raised a point of order against further consideration of **CSHB 537** under Rule 4, Section 32 (c) (1) of the House Rules on the

grounds that the background and purpose section of the bill analysis is inaccurate.

The speaker sustained the point of order.

The bill was returned to the Committee on Business and Industry for corrections.

HB 2053 ON SECOND READING
(by Thompson)

HB 2053, A bill to be entitled An Act relating to the procedures governing the prosecution and administration of misdemeanor offenses in the jurisdiction of the justice and municipal courts.

Representative Thompson moved to postpone consideration of **HB 2053** until 2 p.m. Monday, May 10.

The motion prevailed without objection.

HB 3072 ON SECOND READING
(by Averitt)

HB 3072, A bill to be entitled An Act relating to certain payments by a retail seller in a retail installment transaction involving a motor vehicle.

Amendment No. 1 (Committee Amendment No. 1)

Representative Averitt offered the following committee amendment to **HB 3072**:

HB 3072 is amended as follows:

(1) On page 1, line 17, delete all language beginning with and including the word “owned” and ending with and including the semicolon after the word “~~trade-in~~”;

(2) On page 1, line 17, insert the following after the word “vehicle”:
“used as a trade-in”;

(3) On page 1, line 17, insert the following between the word “trade-in” and the word “and”: “or a motor vehicle owned by the buyer that has been declared a total loss by the buyer’s insurer.”

Amendment No. 1 was adopted without objection.

HB 3072, as amended, was passed to engrossment.

HB 3262 ON SECOND READING
(by Uher and Crownover)

HB 3262, A bill to be entitled An Act relating to information in a rabies vaccination certificate or in a county or municipal registry of dogs and cats; providing criminal penalties.

HB 3262 was passed to engrossment.

CSHB 3516 ON SECOND READING
(by Marchant)

CSHB 3516, A bill to be entitled An Act relating to the regulation of funeral directing and embalming.

Amendment No. 1

Representative Tillery offered the following amendment to **CSHB 3516**:

Amend **CSHB 3516** as follows:

1) On page 8, line 4, strike "The commission by order may grant the executive director the power" and substitute "The commission by rules shall establish standards that enable the executive director."

2) On page 21, line 18, before "A preparation room" insert "(1)".

3) On page 21, line 20 strike "and" and insert "; and (2)".

4) On page 22, line 19 after "Subsection C.1.(D)" insert "(1)".

5) On page 34, line 2 strike "Until an order has been entered after a hearing" and substitute "Until a hearing has been held".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Pitts offered the following amendment to **CSHB 3516**:

Amend **CSHB 3516** as follows:

On page 22, line 25 strike "owned by the establishment requesting the exemption and at which embalming services may be performed" and insert "that will perform embalming services on behalf of the funeral establishment".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Maxey offered the following amendment to **CSHB 3516**:

Amend **CSHB 3516** as follows:

(1) On page 22, lines 25-26, strike "owned by the establishment requesting the exemption and".

Amendment No. 3 was adopted without objection.

CSHB 3516, as amended, was passed to engrossment.

HB 3444 ON SECOND READING

(by R. Lewis)

HB 3444, A bill to be entitled An Act relating to the deposit to the credit of the oil-field cleanup fund of certain fees and penalties collected by the Railroad Commission of Texas.

Representative R. Lewis moved to postpone consideration of **HB 3444** until 10 a.m. Wednesday, May 12.

The motion prevailed without objection.

HB 3596 ON SECOND READING

(by McClendon, Oliveira, Luna, Keffer, Seaman, et al.)

HB 3596, A bill to be entitled An Act relating to workforce development services provided by the Texas Workforce Commission under a contract with a local workforce development board.

HB 3596 was passed to engrossment. (Berman and Talton recorded voting no)

CSHB 3582 ON SECOND READING
(by Keffer)

CSHB 3582, A bill to be entitled An Act relating to the appointment of a receiver for a royalty interest.

Amendment No. 1

Representative Keffer offered the following amendment to **CSHB 3582**:

Amend **CSHB 3582** as follows:

(1) On page 3, strike lines 9, 10, and 11 through “executes the instrument.” and substitute “The monetary consideration, if any, due for the execution of a ratification, pooling agreement, or unitization agreement by the receiver must be paid to the clerk of the court in which the case is pending before the receiver executes the instrument. It is, however, recognized that, because ratifications, pooling agreements and unitization agreements are typically entered into in consideration of the future benefits accruing to the grantor thereof, an initial monetary consideration

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Isett offered the following amendment to **CSHB 3582**:

Amend **CSHB 3582** by adding new SECTIONS to the bill, appropriately numbered, to read as follows and renumbering the remaining SECTIONS of the bill appropriately:

SECTION _____. Subchapter J, Chapter 91, Natural Resources Code, is amended by adding Section 91.408 to read as follows:

Sec. 91.408. INFORMATION FOR PAYEES OF PROCEEDS OF PRODUCTION FROM CERTAIN GAS WELLS. (a) A payor of proceeds from the sale of gas produced from a tight formation as defined by Section 29(c)(2)(B), Internal Revenue Code of 1986, annually shall furnish the payee a statement providing the information necessary to compute the federal income tax credit provided by that section for the gas for which payment was made in the preceding year, including:

(1) information as described in Section 91.502(1) of this code; and

(2) the volume of the gas, measured in:

(A) thousands of cubic feet and heating value; or

(B) millions of British thermal units for each thousand cubic

feet.

(b) A payor shall furnish a statement required by Subsection (a) not later than March 15 each year.

SECTION _____. Section ____ of this Act takes effect September 1, 1999.

Amendment No. 2 was adopted without objection.

CSHB 3582, as amended, was passed to engrossment.

HB 163 ON SECOND READING
(by Chisum and Allen)

HB 163, A bill to be entitled An Act relating to the offense of possession of a controlled substance or dangerous drug in a correctional facility.

HB 163 was passed to engrossment.

HB 261 ON SECOND READING
(by Allen, Keel, C. Jones, and Culberson)

HB 261, A bill to be entitled An Act relating to the forfeiture of good conduct time of an inmate who files a frivolous or malicious lawsuit while confined in county jail awaiting transfer to the Texas Department of Criminal Justice.

Amendment No. 1

Representatives Keel and Culberson offered the following amendment to **HB 261**:

Amend **HB 261** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. (a) Section 5, Article 42.032, Code of Criminal Procedure, is amended to read as follows:

Sec. 5. Any part or all of the commutation accrued under this article may be forfeited and taken away by the sheriff:

(1) for a sustained charge of misconduct in violation of any rule known to the defendant, including escape or attempt to escape, if the sheriff has complied with discipline proceedings as approved by the Commission on Jail Standards; or

(2) on receipt by the sheriff of a certified copy of a final order of a state or federal court that dismisses as frivolous or malicious a lawsuit brought by a defendant while the defendant was in the custody of the sheriff.

(b) Section 5, Article 42.032, Code of Criminal Procedure, as amended by this section, applies only to a forfeiture of commutation of time for good conduct based on the filing in court of a lawsuit on or after the effective date of this Act.

Amendment No. 1 was adopted without objection.

HB 261, as amended, was passed to engrossment. (Dutton recorded voting no)

CSHB 275 ON SECOND READING
(by West and Culberson)

CSHB 275, A bill to be entitled An Act relating to restricting certain recreational amenities available to inmates imprisoned in the institutional division of the Texas Department of Criminal Justice.

CSHB 275 was passed to engrossment.

CSHB 641 ON SECOND READING
(by Howard)

CSHB 641, A bill to be entitled An Act relating to requiring a municipal utility district to disclose to the purchaser of residential real property whether the property is located in a municipality's corporate boundaries or extraterritorial jurisdiction.

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 641 - (consideration continued)

CSHB 641 was passed to engrossment.

CSHB 885 ON SECOND READING (by Tillery)

CSHB 885, A bill to be entitled An Act relating to the presence of certain individuals in a hospital operating room.

Representative Tillery moved to postpone consideration of **CSHB 885** until 10 a.m. Friday, May 7.

The motion prevailed without objection.

CSHB 1444 ON SECOND READING (by Delisi, Gray, Hilderbran, Coleman, Cuellar, et al.)

CSHB 1444, A bill to be entitled An Act relating to local public health services.

Amendment No. 1

Representative Delisi offered the following amendment to **CSHB 1444**:

Amend **CSHB 1444** as follows:

(1) On page 2, line 17, strike “and public health districts” and substitute “public health districts, and other political subdivisions”.

(2) On page 2, line 18, strike “and public health districts” and substitute “public health districts, and other political subdivisions”.

(3) On page 2, line 23, strike “or”.

(4) On page 2, line 24, between “district” and “applies”, insert “, or other political subdivision”.

(5) On page 3, line 2, strike “or public health district” and substitute “public health district, or other political subdivision”.

(6) On page 4, line 7, strike “or”.

(7) On page 4, line 8, between “district” and “is”, insert “, or other political subdivision”.

(8) On page 4, line 16, after “districts”, insert “, and other political subdivisions”.

Amendment No. 1 was adopted without objection.

CSHB 1444, as amended, was passed to engrossment.

CSHB 2247 ON SECOND READING (by Hawley)

CSHB 2247, A bill to be entitled An Act relating to the method of payment of fees for goods sold or services provided by the Texas Department of Transportation or for the administration of Texas Department of Transportation programs.

CSHB 2247 was passed to engrossment.

CSHB 2691 ON SECOND READING
(by Counts)

CSHB 2691, A bill to be entitled An Act relating to the sale, assignment, or transfer of structured settlements.

CSHB 2691 was passed to engrossment.

CSHB 2261 ON SECOND READING
(by B. Turner)

CSHB 2261, A bill to be entitled An Act relating to testing natural gas piping in certain school facilities.

CSHB 2261 was passed to engrossment. (Hartnett recorded voting no)

CSHB 2883 ON SECOND READING
(by Bailey)

CSHB 2883, A bill to be entitled An Act relating to contracts between podiatrists and health care plans.

Representative Bailey moved to postpone consideration of **CSHB 2883** until 10 a.m. tomorrow.

The motion prevailed without objection.

CSHB 3175 ON SECOND READING
(by P. King)

CSHB 3175, A bill to be entitled An Act relating to the use by licensed peace officers of computerized voice stress analyzers in official criminal investigations.

(Elkins in the chair)

(Speaker in the chair)

CSHB 3175 failed to pass to engrossment.

CSHB 3132 ON SECOND READING
(by Chisum, Yarbrough, and Kuempel)

CSHB 3132, A bill to be entitled An Act relating to the creation of the scrap tire enforcement fund and the regulation of scrap tire disposal.

Amendment No. 1

Representative Chisum offered the following amendment to **CSHB 3132**:

Amend **CSHB 3132** as follows:

(1) On page 4, between lines 10 and 11, add new Subsection (f) to read as follows:

(f) A permitted energy recovery facility that receives tires for energy recovery purposes may require the person bringing the tires to the facility to provide a report of the number of tires delivered to the facility. The permitted energy recovery facility need only forward copies of the report received from the scrap tire transporter to satisfy the requirements of this section.

(2) On page 4, line 11, strike “(f)” and substitute “(g)”.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Yarbrough offered the following amendment to **CSHB 3132**:

Amend **CSHB 3132** as follows:

(1) On page 6, between lines 15 and 16, add new Section 361.467 to read as follows:

Sec. 361.467. REMEDIATION ASSISTANCE BY COUNCILS OF GOVERNMENTS. (a) Notwithstanding any other provision of this code, a council of government has an obligation to participate in the remediation of an abandoned tire site within its jurisdiction.

(b) In meeting the requirements of this section, a council of government will use the grant monies available to it under section 361.014 (b).

(c) The council of government shall prioritize the remediation of abandoned tire sites within the award of grants for other environmental purposes.

Amendment No. 2 was withdrawn.

CSHB 3132, as amended, was passed to engrossment.

CSHB 3059 ON SECOND READING
(by Hill and Ehrhardt)

CSHB 3059, A bill to be entitled An Act relating to the operation of the Texas State Affordable Housing Corporation.

CSHB 3059 was passed to engrossment.

CSHB 3255 ON SECOND READING
(by Gallego)

CSHB 3255, A bill to be entitled An Act relating to compensation to certain victims of domestic violence from the compensation to victims of crime fund.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 3255**:

Amend **CSHB 3255** as follows:

(1) On page 2, line 14, of the bill, strike “claimant” and substitute “victim”.

(2) Add SECTION 3 to read as follows and renumber the subsequent sections:

“SECTION 3. CRIMINAL OFFENSES OR VIOLATIONS. (a) The changes in law made by this Act apply only to a victim of a criminal offense committed or a violation that occurs on or after the effective date of this Act. For the purposes of this Act, a criminal offense is committed or a violation occurs before the effective date of this Act if any element of the offense or violation occurs before that date.

(b) A criminal offense committed or violation that occurs before the

effective date of this Act is covered by the law in effect when the criminal offense was committed or the violation occurred, and the former law is continued in effect for this purpose.”

Amendment No. 1 was adopted without objection.

CSHB 3255, as amended, was passed to engrossment.

HB 431 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 431, A bill to be entitled An Act relating to the determination of the amount of proof of financial responsibility for the application of certain pesticides.

On motion of Representative B. Turner, the house concurred in the senate amendments to **HB 431**.

Senate Committee Substitute

CSHB 431, A bill to be entitled An Act relating to the determination of the amount of proof of financial responsibility for the application of certain pesticides.

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

SECTION 1. Section 76.111(a), Agriculture Code, is amended to read as follows:

(a) In this section:

(1) "Applicator [~~“applicator”~~] business" means a person who applies a state-limited-use or restricted-use pesticide or regulated herbicide to the land of another for compensation and who:

(A) [~~(+)~~] is a licensed commercial applicator; or

(B) [~~(2)~~] employs at least one licensed commercial applicator.

(2) "M-44 device" means a nonexplosive, spring-operated mechanical device designed to deliver a capsule of sodium cyanide into the mouth of the target animal as a method of livestock predation control.

SECTION 2. Section 76.111(e), Agriculture Code, is amended to read as follows:

(e) Except as otherwise provided by this section, the amount of the proof of financial responsibility may not be less than \$100,000 for each occurrence for property damage and may not be less than \$100,000 for each occurrence for bodily injury or a general aggregate at a minimum of \$200,000 for each occurrence. The head of a regulatory agency by rule may require different amounts of coverage for different classifications of operations under this chapter. Each commercial M-44 applicator license applicant must provide proof of financial responsibility acceptable to the department for bodily injury and property damage coverage insuring the applicator against liability for damage to persons or property occurring as a result of operations performed in the course of the application to premises or any other property under the applicator's care, custody, or control. The department will strive to set

minimum acceptable coverage at an amount that is economically feasible to applicants. The coverage must at all times be maintained at not less than the amount set by the agency head or the Texas Department of Insurance.

SECTION 3. (a) This Act takes effect September 1, 1999.

(b) The commissioner of agriculture shall establish the amount of proof of financial responsibility for applicator businesses that primarily use M-44 devices, as required by Section 76.111(e), Agriculture Code, as amended by this Act, not later than January 1, 2000.

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

HB 1189 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1189, A bill to be entitled An Act relating to the petition for creation of a civic center authority.

On motion of Representative Gallego, the house concurred in the senate amendments **HB 1189**.

Senate Committee Substitute

CSHB 1189, A bill to be entitled An Act relating to the petition for creation of a civic center authority.

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

SECTION 5. Section 281.013(c), Local Government Code, is amended to read as follows:

(c) The petition must include:

(1) the signatures of a majority of the members of the governing body of at least:

(A) one municipality, if the county in which the proposed authority is located has only one municipality; or

(B) [~~in each of~~] two [~~or more~~] municipalities, if the county in which the proposed authority is located has two or more municipalities;

(2) a description of the boundaries of the proposed authority;

(3) the names of the persons recommended for the first board of directors;

(4) a statement of the desirability of or need for the creation of the authority; and

(5) the name of the proposed authority.

SECTION 6. This Act takes effect September 1, 1999, and applies only to a petition filed on or after that date. A petition filed before the effective date of this Act is governed by the law in effect on the date the petition was filed, and the former law is continued in effect for that purpose.

SECTION 7. 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 963 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 963, A bill to be entitled An Act relating to the protection of playa lakes by certain home-rule municipalities.

On motion of Representative Isett, the house concurred in the senate amendments to **HB 963**.

Senate Committee Substitute

CSHB 963, A bill to be entitled An Act relating to the protection of playa lakes by certain home-rule municipalities.

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

SECTION 8. Chapter 401, Local Government Code, is amended by adding Section 401.004 to read as follows:

Sec. 401.004. PROTECTION OF PLAYA LAKES BY CERTAIN HOME-RULE MUNICIPALITIES. (a) In this section, "playa lake" means a natural saucer-like depression in the topography, typically having a clayey bottom that is normally located in an arid or semiarid part of the state and collects runoff from rain but is subject to rapid evaporation. The term includes all areas within the basin projected to be inundated by pooled storm water runoff, as determined by an engineering analysis performed according to the specific requirements adopted by and in effect for a municipality.

(b) The governing body of a home-rule municipality with a population of 185,000 or more may regulate the filling of a playa lake within the municipality's extraterritorial jurisdiction as a means for the effective management of storm water runoff to prevent:

(1) harmful flooding; or

(2) excess surface water.

(c) A regulation adopted under this section may not:

(1) interfere with normal agricultural practices, including moving soil, berming for tail water reuse, plowing, seeding, cultivating, and harvesting for the production of food or fiber; or

(2) prohibit any practice or activity that does not decrease the water holding capacity of a playa lake.

SECTION 9. This Act takes effect September 1, 1999.

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

SB 445 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Gray, the house granted the request of the senate for the appointment of a conference committee on **SB 445**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 445**: Gray, chair, Averitt, Coleman, Maxey, and Marchant.

HR 842 - ADOPTED

(by T. King)

Representative T. King moved to suspend all necessary rules to take up and consider at this time **HR 842**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 842, Commemorating the 50th anniversary of Uvalde Memorial Hospital.

HR 842 was adopted without objection.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference on **HB 1**:

Junell on motion of R. Lewis.

Coleman on motion of R. Lewis.

Heflin on motion of R. Lewis.

Gallego on motion of R. Lewis.

West on motion of R. Lewis.

**HB 1488 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1488, A bill to be entitled An Act relating to the student union building fee at The University of Texas at Brownsville and to student union fees at public junior colleges.

On motion of Representative Oliveira, the house concurred in the senate amendments to **HB 1488** by (Record 231): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.;

Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; 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; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Allen; Coleman; Gallego; Heflin; Junell; Moreno, P.; West.

Absent — Alvarado; Chavez; Marchant.

Senate Committee Substitute

CSHB 1488, A bill to be entitled An Act relating to the student union building fee at The University of Texas at Brownsville and to student union fees at public junior colleges.

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

SECTION 1. Subchapter E, Chapter 54, Education Code, is amended by adding Section 54.546 to read as follows:

Sec. 54.546. STUDENT UNION FEES; THE UNIVERSITY OF TEXAS AT BROWNSVILLE. (a) The board of regents of The University of Texas System may impose on each student enrolled at The University of Texas at Brownsville a student union fee of not less than \$34.35 or more than \$70 for each semester or long summer session for the sole purpose of financing, constructing, operating, maintaining, renovating, and improving a student union building owned by Texas Southmost College and used by the partnership of The University of Texas at Brownsville and Texas Southmost College under Section 78.02. The fee may be imposed in addition to any other fee.

(b) Revenue from the fee imposed under this section shall be deposited to an account known as The University of Texas at Brownsville student union account. Money in the account shall be used in accordance with the terms of the partnership agreements entered into between The University of Texas at Brownsville and Texas Southmost College under Section 78.02.

(c) The board of trustees of the Southmost Union Junior College District may pledge revenue from a fee imposed under this section, whether received directly from a student or from The University of Texas at Brownsville, under the terms of the partnership agreement between The University of Texas at Brownsville and Texas Southmost College, for the payment of obligations issued by the Southmost Union Junior College District to finance the construction, operation, maintenance, renovation, and improvement of a student union building to be owned by Texas Southmost College and used by the two institutions under the partnership. If the fee imposed under this section is pledged to the payment of obligations issued by Southmost Union Junior College District, the board of regents of The University of Texas System may not pledge revenue from the fee for the payment of obligations

issued for an authorized purpose under the revenue financing system of The University of Texas System.

(d) The board may not increase the amount of the fee by more than 10 percent in any academic year unless the amount of the increase is approved by a majority of the students voting in an election held for that purpose and by a majority of the members of the legislative body of the student government of the institution.

(e) Subject to the limitations of this section on the amount of the fee and any increase in the amount of the fee, the fee imposed under this section must be in the same amount as the student union fee charged a student at Texas Southmost College by the board of trustees of Southmost Union Junior College District. A student attending either or both institutions may be charged a student union fee by only one of the institutions.

SECTION 2. Section 130.123(c), Education Code, is amended to read as follows:

(c) Each board shall be authorized to fix and collect rentals, rates, charges, and/or fees, including student union fees, from students and others for the occupancy, use and/or availability of all or any of its property, buildings, structures, activities, operations, or facilities, of any nature, in such amounts and in such manner as may be determined by such board.

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

RULES SUSPENDED

Representative Gray moved to suspend the 5-day posting rule to allow the Committee on Public Health to consider **SCR 7** by Hilderbran at the meeting posted for May 5, 1999.

The motion prevailed without objection.

Representative Danburg moved to suspend the 5-day posting rule to allow the Committee on Elections to consider **HB 4** one hour after adjournment tomorrow.

The motion prevailed without objection.

Representative Sadler moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider **SB 4**, **SB 103**, **SB 260**, **SB 1060**, **SB 1343**, **SB 1472**, and **SB 955**.

The motion prevailed without objection.

Representative Smithee moved to suspend the 5-day posting rule to allow the Committee on Insurance to consider **HB 823**.

The motion prevailed without objection.

Representative Wilson moved to suspend the 5-day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HB 3076** and **SB 616**.

The motion prevailed without objection.

Representative Haggerty moved to suspend the 5-day posting rule to allow the Committee on Corrections to consider **SB 22**, **SB 1217**, and **SB 1514**.

The motion prevailed without objection.

Representative Counts moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider **SB 1822**.

The motion prevailed without objection.

Representative Sadler moved to suspend the 5-day posting rule to allow the Committee on Public Education to consider **HB 3396** and pending matters.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Higher Education, on adjournment today, Desk 118, for a formal meeting, to consider senate bills and **HB 3284**.

Juvenile Justice and Family Issues, on adjournment today, Desk 45, for a formal meeting, to consider **HCR 256**.

Elections, on adjournment today, Desk 10, for a formal meeting, to consider **HB 3206** and **SB 35**.

Economic Development, on adjournment today, Desk 124, for a formal meeting, to consider pending senate bills.

Natural Resources, on adjournment today, Desk 9, for a formal meeting.

Elections, one hour after adjournment Thursday, May 6, E2.012, for a public hearing, to consider **HB 4**.

Business and Industry, on adjournment today, Desk 3, for a formal meeting.

Criminal Jurisprudence, on adjournment today, Desk 12, for a formal meeting, to consider pending bills.

Licensing and Administrative Procedures, on adjournment today, Desk 66, for a formal meeting.

Public Education, on adjournment today, Desk 102, to consider **HB 3396**.

Public Education, on adjournment tomorrow, E2.036, to consider **SB 4**, **SB 103**, **SB 260**, **SB 1060**, **SB 1343**, **SB 1472**, and **SB 955**.

Insurance, on adjournment today, Desk 24, for a formal meeting.

Public Safety, on adjournment today, Desk 141, for a formal meeting, to consider routine business.

Corrections, today, Desk 2, for a formal meeting, to consider **SB 22**, **SB 1217**, and **SB 1514**.

Land and Resource Management, on adjournment today, Desk 107, for a formal meeting, to consider **SB 1154**, **SB 1175**, and pending business.

House Administration, on adjournment today, Desk 93, for a formal meeting, to consider **HB 1925** and **SCR 37**.

Calendars, on adjournment today, speakers committee room, for a formal meeting.

Local and Consent Calendars, 2 hours after adjournment today, E2.020, for a formal meeting, to consider the Local and Consent Calendar for Saturday, May 8.

HB 494 - STATEMENT OF LEGISLATIVE INTENT

HB 494 was passed on 3rd and final reading Tuesday, May 4.

The Kidney Health Care Program and the Chronically Ill and Disabled Children's Services Program have been operating for some time with participation by pharmaceutical manufacturers in a voluntary drug rebate program administered by the Texas Department of Health.

The intent of the Texas Legislature and the intent of the author of **HB 494** is that the relationship between the Kidney Health Care Program or the Chronically Ill and Disabled Children's Services Program and the pharmaceutical manufacturers, relating to the drug rebate program, remain voluntary.

Further, under provisions of **HB 494**, any amounts received by the Texas Department of Health under the voluntary drug rebate program may be appropriated only for the Kidney Health Care Program or the Chronically Ill and Disabled Children's Services Program.

Maxey

ADJOURNMENT

Representative Hodge moved that the house adjourn until 10 a.m. tomorrow in memory of Dominic DeLacruz.

The motion prevailed without objection.

The house accordingly, at 3:33 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

HR 807 (by Counts), In memory of Frank K. Mitchell of Roby.
To Rules & Resolutions.

HR 808 (by Cuellar), Honoring Oscar H. Garza, Jr., for being chosen a Hero for Children by the State Board of Education.

To Rules & Resolutions.

HR 809 (by Keel, et al.), Congratulating Peter A. Bourell and Amanda L. Carroll on their upcoming wedding.

To Rules & Resolutions.

HR 812 (by R. Lewis), In memory of Eugene L. “Gene” Gagnon, Jr.

To Rules & Resolutions.

HR 813 (by R. Lewis), Honoring Eric Eshbach for setting a national high school pole vault record.

To Rules & Resolutions.

HR 814 (by Yarbrough), Honoring Nell Baham on the occasion of her retirement.

To Rules & Resolutions.

HR 815 (by Cook), In memory of August Meduna.

To Rules & Resolutions.

HR 816 (by Cook), Honoring William H. Harrison, Sr., on his retirement from the Eagle Lake Community Hospital Board.

To Rules & Resolutions.

HR 824 (by Uher), In memory of Frank Sinclair Craft, Sr.

To Rules & Resolutions.

HR 825 (by Uher and Delisi), In memory of the Honorable Joe M. Kilgore.

To Rules & Resolutions.

HR 826 (by Uher), In memory of the Honorable Jack Ridgeway.

To Rules & Resolutions.

HR 827 (by Chavez, et al.), In memory of Constable Michael Eakin of the Harris County Sheriff’s Department.

To Rules & Resolutions.

HR 828 (by Haggerty), Honoring Winford and Helen Louise Rushing on their 60th wedding anniversary.

To Rules & Resolutions.

HR 829 (by Cook), Congratulating Vickie Vogel on her retirement as the Fayette County Democratic Party chair.

To Rules & Resolutions.

HR 830 (by Cook), In memory of LaFray Carter.

To Rules & Resolutions.

HR 831 (by Chavez and Dunnam), In memory of Officer Scott Harvik.

To Rules & Resolutions.

HR 834 (by Janek), Celebrating the birth of Sarah Allen Blakemore.

To Rules & Resolutions.

SB 154 to Land & Resource Management.

SB 432 to Transportation.

SB 497 to Insurance.

SB 918 to Economic Development.

SB 976 to Economic Development.

SB 1030 to Insurance.

SB 1444 to Transportation.

SB 1804 to Ways & Means.

SB 1860 to Judicial Affairs.

SIGNED BY THE SPEAKER

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

House List No. 42

HB 76, HB 165, HB 649, HB 960, HB 1177, HB 1314, HB 1889, HB 2008, HCR 62, HCR 192

Senate List No. 22

SB 109, SB 112, SB 124, SB 221, SB 401, SB 780, SB 979, SB 1252, SB 1467, SB 1545, SB 1585, SB 1594, SB 1746

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, May 5, 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 58 Haywood

Relating to incentives for an employer that establishes and operates a day-care center for children of employees or purchases child-care services for employees.

- SB 506** Harris
Relating to suits to recover damages resulting from construction defects; providing for recovery of a penalty from certain contractors.
- SB 590** Truan
Relating to the establishment of The Texas A&M University System Coastal Bend Health Education Center.
- SB 666** Zaffirini
Relating to exemptions from work or employment activity participation requirements for certain Temporary Assistance for Needy Families (TANF) recipients.
- SB 867** Lucio
Relating to a loan guarantee to convert a contract for deed to a warranty deed.
- SB 1279** Wentworth
Relating to the approval of budgets of emergency communication districts.
- SB 1287** Lucio
Relating to housing loans to low-income families.
- SB 1288** Zaffirini
Relating to the establishment and operation of a campus extension of The University of Texas Health Science Center at San Antonio.
- SB 1323** Wentworth
Relating to requiring certain plats for the subdivision of land to include proof of groundwater supply.
- SB 1442** Barrientos
Relating to the removal of certain territory from an emergency services district.
- SB 1443** Barrientos
Relating to the application of municipal zoning authority to certain private property.
- SB 1455** West, Royce
Relating to compensatory, intensive, and accelerated education in public schools.
- SB 1784** Gallegos
Relating to the provision of private community-based dropout recovery education programs to provide alternative education programs for students at risk of dropping out of school.
- SB 1859** Sibley
Relating to the creation of the Texas Woman's University System.
- SB 1861** Sibley
Relating to defining a private or independent institution of higher education.
- SB 1881** Nixon, Drew
Relating to the powers, duties, and operations of the Nacogdoches County Hospital District.

SJR 34 Lucio

Proposing a constitutional amendment providing for the issuance of bonds to provide funds for low-income owner-built housing.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 780 (30 Yeas, 0 Nays)

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, May 5, 1999 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 183 Lewis, Glenn SPONSOR: Moncrief
Congratulating Carolyn Wills on being named an Outstanding Teacher.

HCR 184 Lewis, Glenn SPONSOR: Moncrief
Congratulating Gillian Hall on being named an Outstanding Teacher.

HCR 185 Lewis, Glenn SPONSOR: Moncrief
Congratulating Donna Hood on being named an Outstanding Teacher.

HCR 186 Lewis, Glenn SPONSOR: Moncrief
Congratulating Carleta Scott on being named an Outstanding Teacher.

HCR 187 Lewis, Glenn SPONSOR: Moncrief
Congratulating Pamela Lowe on being named an Outstanding Teacher.

HCR 188 Lewis, Glenn SPONSOR: Moncrief
Congratulating Shirley Hucaby on being named an Outstanding Teacher.

HCR 189 Lewis, Glenn SPONSOR: Moncrief
Congratulating Doris Hill on being named an Outstanding Teacher.

HCR 190 Lewis, Glenn SPONSOR: Moncrief
Honoring the participants of the crime and violence summit, "Facing the Challenges."

- HCR 191** Lewis, Glenn SPONSOR: Moncrief
Honoring Carter Metropolitan CME Church's "Men of Quality."
- HCR 193** Lewis, Glenn SPONSOR: Moncrief
Congratulating Susan Earl on being named an Outstanding Teacher.
- HCR 194** Lewis, Glenn SPONSOR: Moncrief
Honoring Coach Lee Williams and the 1998 UIL Class 5A state track
champions of O. D. Wyatt High School.
- HCR 195** Lewis, Glenn SPONSOR: Moncrief
Congratulating Glenda Gibson on being named an Outstanding Teacher.
- HCR 196** Lewis, Glenn SPONSOR: Moncrief
Congratulating Willie Green on being named an Outstanding Teacher.
- HCR 197** Lewis, Glenn SPONSOR: Moncrief
Congratulating Gerald Judd on being named an Outstanding Teacher.
- HCR 198** Lewis, Glenn SPONSOR: Moncrief
Congratulating Gloria Nelson on being named an Outstanding Teacher.
- HCR 199** Lewis, Glenn SPONSOR: Moncrief
Congratulating Shirley Johnson on being named an Outstanding Teacher.
- HCR 200** Lewis, Glenn SPONSOR: Moncrief
Congratulating Kathy Cash on being named an Outstanding Teacher.
- HCR 201** Lewis, Glenn SPONSOR: Moncrief
Congratulating Ernestine Rose on being named an Outstanding Teacher.
- HCR 202** Lewis, Glenn SPONSOR: Moncrief
Congratulating Willie B. Jones on being named an Outstanding Teacher.
- HCR 247** Lewis, Glenn SPONSOR: Moncrief
Congratulating Leroy Walker on being named an Outstanding Teacher.
- HCR 250** Lewis, Glenn SPONSOR: Moncrief
Honoring Lucille Presswood and Carter Metropolitan CME Church's
Stewardship Committee.
- HCR 251** Lewis, Glenn SPONSOR: Moncrief
Recognizing June 1-7, 1999, as National Drug Court Week.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, May 5, 1999 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 142 (29 Yeas, 0 Nays)
SB 448 (29 Yeas, 0 Nays)
SB 598 (29 Yeas, 0 Nays)
SB 710 (viva-voce vote)
SB 1155 (29 Yeas, 0 Nays)
SB 1509 (28 Yeas, 0 Nays, 1 PNV)
SB 1555 (29 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 445 (viva-voce vote)
 Senate Conferees: Moncrief - Chair/Madla/Nelson/Ratliff/Shapleigh

Respectfully,

Betty King
 Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 4

Civil Practices - **HB 351, HB 3479**

Corrections - **SB 371, SB 1105**

County Affairs - **HB 2961**

Criminal Jurisprudence - **SB 578**

Elections - **HB 306, HB 311, HB 386, HB 1140, HB 1545, HB 1955, HB 2056, HB 2057, HB 2163, HB 3257**

Financial Institutions - **HB 1510, HB 3714**

Judicial Affairs - **HB 1754, HB 3825, HB 3826, HB 3827, HB 3828, SB 230, SB 1034, SB 1706**

Juvenile Justice & Family Issues - **SB 686, SB 1571, SB 1580, SB 1670**

Land & Resource Management - **HB 1185, HB 1186, HB 1291, HB 2491, SB 1174, SB 1272**

Licensing & Administrative Procedures - **HB 2458, SB 1102**

Natural Resources - **HB 2901, HB 3808, SB 76, SB 658, SB 1178, SB 1282, SB 1308, SB 1310, SB 1755**

Public Education - **HB 618, HB 633, HB 907, HB 1026, HB 1104, HB 2117, HB 2172, HB 3653**

Public Health - **HB 517, SB 1233, SB 1587**

State Affairs - **HB 2840, HB 2910, HB 2954, SB 1133**

State Recreational Resources - **SB 1302**

Transportation - **HB 539, HB 1070**

Urban Affairs - **SB 1387**

Ways & Means - **HB 175, SB 521, SB 1480, SB 1508**

ENGROSSED

May 4 - HB 245, HB 524, HB 550, HB 635, HB 780, HB 865, HB 998, HB 1068, HB 1100, HB 1167, HB 1187, HB 1227, HB 1409, HB 1616, HB 1757, HB 1884, HB 1912, HB 1947, HB 1956, HB 1999, HB 2037, HB 2105, HB 2146, HB 2149, HB 2187, HB 2260, HB 2275, HB 2424, HB 2476, HB 2536, HB 2553, HB 2563, HB 2581, HB 2619, HB 2636, HB 2735, HB 2760, HB 2842, HB 2862, HB 2877, HB 2898, HB 2956, HB 2960, HB 3029, HB 3061, HB 3138, HB 3158, HB 3159, HB 3249, HB 3421, HB 3445, HB 3460, HB 3539, HB 3547, HB 3624, HB 3635, HB 3694, HB 3740, HB 3776, HB 3814, HB 3817, HB 3818, HB 3823

ENROLLED

May 4 - HB 76, HB 165, HB 649, HB 957, HB 960, HB 1177, HB 1314, HB 1433, HB 1889, HB 2110, HB 2450, HCR 62

SENT TO THE GOVERNOR

May 4 - HB 957, HB 1433, HB 2110, HB 2450