

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTIETH DAY — MONDAY, MAY 10, 1999

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

The roll of the house was called and a quorum was announced present (Record 276).

Present — Mr. Speaker; Alexander; Allen; 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; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; 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; 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 — Gutierrez; Hinojosa; Janek; Jones, C.; Talton.

Absent — Alvarado.

The invocation was offered by Dr. Joe Pool, Pastor, First United Methodist Church, Gainesville, as follows:

Let us pray.

It is with humble hearts that we come to you in prayer O God. The majesty of this world is your creation, the people therein are your glory. And yet there is much pain in our world: human disasters of neglect and abuse, natural disaster of water and wind.

And some of your children are suffering: no homes, no schools, no places to work.

We petition you, send your spirit of comfort and peace upon them and those who serve them. Let us be a part of what you are blessing. Let us act in such a way that reflects your love of us all.

Bless these representatives and leaders: through their debate—they refine; through their votes—they serve; through their laws, they extend your laws of grace, forgiveness, justice, and mercy.

When we err, forgive us, O God. When our silence allows wrongs to go unchecked, when our lack of action perpetuates pain, when we resign

ourselves to the easy way rather than your way, give us your courage, your strength, your perseverance. Fill us with your wisdom. Don't leave us to our own designs. Inspire us with your perspective of eternity.

Give us your courage to be your agents of: mercy, peace, justice, and righteousness not only within these walls, but in any place, in every time, in every way.

We recognize your presence today. In your holy name we pray, O God, our creator. Amen.

LEAVES OF ABSENCE GRANTED

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

Gutierrez on motion of Gallego.

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

Hinojosa on motion of Gallego.

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

C. Jones on motion of Swinford.

The following member was granted leave of absence temporarily for today because of inclement weather:

Talton on motion of Swinford.

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

Janek on motion of Eiland.

CAPITOL PHYSICIAN

The speaker recognized Representative Uher who presented Dr. J. C. Burns of West Columbia, as the "Doctor of the Day," and D. J. Doyle, third year medical student at UTMB.

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

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 45).

HR 887 - ADOPTED (by Mowery)

Representative Mowery moved to suspend all necessary rules to take up and consider at this time **HR 887**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 887, Congratulating Waverly Park Elementary School on winning the 1999 Margaret McNamara Readers Cup in the Reading Is Fundamental National Reading Challenge.

HR 887 was adopted without objection.

On motion of Representative Corte, the names of all the members of the house were added to **HR 887** as signers thereof.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for the remainder of today because of inclement weather:

Oliveira on motion of Rangel.

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 645 - ADOPTED (by Naishtat)

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 645**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 645, Recognizing May 9-15, 1999, as Nursing Home Week in Texas.

HR 645 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Isett, who introduced Coach Marsha Sharp and graduating senior players of Texas Tech University Lady Raiders basketball team.

HCR 139, congratulating Texas Tech University women's basketball coach Marsha Sharp on her induction into the Texas Women's Hall of Fame, having been previously adopted, was read.

HCR 173, congratulating Coach Marsha Sharp and the Texas Tech University Lady Raiders basketball team, having been previously adopted, was read.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of inclement weather:

J. Davis on motion of Woolley.

HR 373 - ADOPTED (by Culberson)

Representative Culberson moved to suspend all necessary rules to take up and consider at this time **HR 373**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 373, In memory of police sergeant Kent Dean Kincaid.

HR 373 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUESTS

The speaker recognized Representative Culberson, who introduced the family of police sergeant Kent Dean Kincaid.

INTRODUCTION OF GUESTS

The speaker recognized Representative Cook, who introduced the wife and daughter of officer Tobin Thomas.

HR 683, in memory of officer Tobin Thomas of the Eagle Lake Police Department, having been previously adopted, was read.

HCR 259 - ADOPTED (by Ramsay)

Representative Ramsay moved to suspend all necessary rules to take up and consider at this time **HCR 259**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 259, Declaring forevermore the second week of September Fire Ant Awareness Week in Texas.

HCR 259 was read and was adopted without objection.

HR 215

HR 215, in memory of Edwin Earl "Red" Brewer, having been previously adopted, was read.

HCR 268 - ADOPTED (by Chisum)

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

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 268, In memory of Roye Mulholland.

HCR 268 was unanimously adopted by a rising vote.

HR 891 - ADOPTED (by Greenberg)

Representative Greenberg moved to suspend all necessary rules to take up and consider at this time **HR 891**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 891, Commending the students and staff of O. Henry Middle School in Austin for their International Day Without Violence program.

HR 891 was read and was adopted without objection.

(J. Solis in the chair)

(Speaker in the chair)

POSTPONED BUSINESS

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

CSHB 3217 ON SECOND READING (by McCall)

CSHB 3217, A bill to be entitled An Act relating to the regulation of the practice of medicine.

CSHB 3217 was read second time on May 4 and was postponed until 10 a.m. today.

Representative McCall moved to postpone consideration of **CSHB 3217** until 10 a.m. Wednesday, May 12.

The motion prevailed without objection.

CSSB 1260 ON SECOND READING (Coleman, et al. - House Sponsors)

CSSB 1260, A bill to be entitled An Act relating to certain advance directives for medical treatment; providing administrative penalties.

CSSB 1260 was considered in lieu of **CSHB 3527**.

CSSB 1260 was read second time and was passed to third reading.

CSHB 3527 - LAID ON THE TABLE SUBJECT TO CALL

Representative Coleman moved to lay **CSHB 3527** on the table subject to call.

The motion prevailed without objection.

CSSB 746 ON SECOND READING (Haggerty - House Sponsor)

CSSB 746, A bill to be entitled An Act relating to student fees at The University of Texas at El Paso.

CSSB 746 was considered in lieu of **CSHB 3571**.

CSSB 746 was read second time and was passed to third reading.

CSHB 3571 - LAID ON THE TABLE SUBJECT TO CALL

Representative Pickett moved to lay **CSHB 3571** on the table subject to call.

The motion prevailed without objection.

HB 3706 ON SECOND READING
(by Van de Putte)

HB 3706, A bill to be entitled An Act relating to the appointment and duties of associate judges and child support masters.

HB 3706 was read second time on May 4 and was postponed until 10 a.m. today.

Representative Van de Putte moved to postpone consideration of **HB 3706** until 4 p.m. today.

The motion prevailed without objection.

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, postponed until May 5, and was again postponed until 10 a.m. today.

Representative R. Lewis moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

A record vote was requested.

HB 2968 was passed to engrossment by (Record 277): 98 Yeas, 35 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bosse; Brown, B.; Brown, F.; Burnam; Capelo; Chisum; Christian; Clark; Coleman; Cook; Corte; Crabb; Craddick; Crownover; Cuellar; Culberson; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dunnam; Edwards; Eiland; Elkins; Ellis; Gallego; Glaze; Goodman; Goolsby; Green; Grusendorf; Hamric; Hardcastle; Hawley; Heflin; Hilderbran; Hill; Hochberg; Homer; Hope; Howard; Hunter; Hupp; Isett; Jones, D.; Junell; Keffer; King, P.; Krusee; Kuempel; Luna; Madden; Marchant; McCall; McReynolds; Merritt; Morrison; Mowery; Naishtat; Najera; Nixon; Olivo; Palmer; Pickett; Pitts; Ramsay; Reyna, E.; Sadler; Salinas; Seaman; Siebert; Smith; Smithee; Solis, J. F.; Staples; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley.

Nays — Bonnen; Brimer; Carter; Counts; Danburg; Dukes; Dutton; Farabee; Farrar; Flores; Garcia; Gray; Greenberg; Hilbert; Hodge; Jones, J.; Keel; King, T.; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Maxey; McClendon; Moreno, P.; Noriega; Puente; Rangel; Reyna, A.; Ritter; Shields; Solis, J.; Solomons; Uresti; Zbrank.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Gutierrez; Hinojosa; Janek; Jones, C.; Oliveira; Talton.

Absent — Alvarado; Chavez; Ehrhardt; George; Giddings; Haggerty; Hartnett; Moreno, J.; Yarbrough.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 277. I intended to vote no.

Gallego

I was shown voting no on Record No. 277. I intended to vote yes.

Greenberg

When Record No. 277 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hartnett

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.

(Talton now present)

HB 2053 was read second time on May 5 and was postponed until 2 p.m. today.

Representative Danburg moved to postpone consideration of **HB 2053** until 10 a.m. Wednesday, May 12.

The motion prevailed without objection.

CSHB 3252 ON SECOND READING

(by Gray)

CSHB 3252, A bill to be entitled An Act relating to the use of the hotel tax in certain municipalities.

CSHB 3252 was read second time on April 30, postponed until May 6, and was again postponed until 10 a.m. today.

Representative Gray moved to postpone consideration of **CSHB 3252** until 10 a.m. Thursday, May 13.

The motion prevailed without objection.

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.

CSHB 2883 was read second time on May 5, postponed until May 6, and was again postponed until 10 a.m. today.

Representative Bailey moved to postpone consideration of **CSHB 2883** until 10 a.m. Wednesday, May 12.

The motion prevailed without objection.

SB 1685 ON SECOND READING

(Zbranek, Gray, Eiland, Crabb, et al. - House Sponsors)

SB 1685, A bill to be entitled An Act relating to the regulation and promotion of the oyster industry in this state.

SB 1685 was considered in lieu of **CSHB 1971**.

SB 1685 was read second time.

Amendment No. 1

Representative Zbranek offered the following amendment to **SB 1685**:

Amend **SB 1685** in SECTION 3 of the bill, in added Section 436.104, Health and Safety Code, by adding new Subsections (d), (e), (f), (g), (h), and (i) to read as follows:

(d) Until *Vibrio parahaemolyticus* guidelines are formally adopted into the National Shellfish Sanitation Program, the department shall follow standards that are at least as stringent as guidelines of the Interim Control Plan for *Vibrio parahaemolyticus* of the Interstate Shellfish Sanitation Conference for the purpose of designating harvest areas as closed areas related to *Vibrio parahaemolyticus*.

(e) The department shall open harvest areas designated as closed areas due to excessive levels of *Vibrio parahaemolyticus* in shellfish meat samples when the levels of *Vibrio parahaemolyticus* in the shellfish meat samples return to baseline levels.

(f) The department shall open harvest areas designated as closed areas due to sporadic non-outbreak illnesses as specified in the Interim Control Plan when the levels in shellfish meats return to baseline levels or, if tdh+ serotypes were confirmed as the cause of the illnesses, when the virulent serotypes of *Vibrio parahaemolyticus* are absent in two consecutive samples of shellfish meats collected from the *Vibrio parahaemolyticus* sample stations in the closed area.

(g) The department shall open harvest areas designated as closed areas due to a confirmed *Vibrio parahaemolyticus* outbreak when the department determines that *Vibrio parahaemolyticus* strains of virulent serotypes are absent in those situations where 03:K6 or other tdh+ serotypes were confirmed as the cause of the outbreak. For purposes of this subsection in Galveston Bay, *Vibrio parahaemolyticus* virulent strains shall be considered absent when 25 shellfish meat samples from any delineated harvest area that has been designated as a closed area do not result in reporting of the virulent strain that caused the outbreak.

(h) If a second confirmed outbreak of *Vibrio parahaemolyticus* illness occurs in an area, the department shall open a harvest area designated as closed when 50 shellfish samples do not result in the reporting of the virulent strain that caused the outbreak.

(i) If harvest areas designated as closed areas as a result of *Vibrio parahaemolyticus* cannot be opened as a result of the sampling under Subsection (f) or (g), the areas may be opened when environmental conditions develop that are unfavorable for *Vibrio parahaemolyticus* growth or when environmental conditions shift to conditions that are historically unrelated to outbreaks of *Vibrio parahaemolyticus*.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Zbranek offered the following amendment to **SB 1685**:

Amend **SB 1685** as follows:

(1) In SECTION 3 of the bill, in added Section 436.106, Health and Safety Code, strike “unless the temperature abuse does not appear to be the possible cause of the illness.” and substitute the following:

if the temperature abuse is the probable cause of the illness. This section does not preclude closures for investigations conducted in accordance with the National Shellfish Sanitation Program that are necessary to protect public health. If a harvest area has been designated as a closed area because the investigation could not be completed within the time required in the National Shellfish Sanitation Program and temperature abuse is determined, as a result of the investigation, to be the probable cause of the illnesses, the harvest area must be immediately designated as an open area.

(2) In SECTION 3 of the bill, strike added Section 436.107(b), Health and Safety Code, and substitute the following:

(b) The council is composed of:

(1) two members appointed by the board as nominated by the Texas Oyster Growers and Dealers association;

(2) one member appointed by the board as nominated by the Coastal Oyster Leaseholder’s Association;

(3) two members appointed by the board from a list of oyster dealers who have held a shellfish certificate in this state for not less than six months of each of the three years preceding the nomination and who are certified at the time of appointment;

(4) one representative appointed by the chairman of the Interstate Shellfish Sanitation Conference; and

(5) three consumer members, including one person professionally licensed or with work experience in the field of environmental survey, environmental sanitation, environmental engineering, or a similar field related to environmental or pollution conditions and their effect on molluscan shellfish harvest areas, appointed by the speaker of the house of representatives.

(3) In SECTION 3 of the bill, in added Section 436.108, Health and Safety Code, insert a new Subsection (d) as follows and reletter the following subsections appropriately:

(d) The Texas Oyster Council may meet at the request of the department, may meet periodically to review completed activities of the department, or may meet to review ongoing activities of the department if the department appears to have exceeded the guidelines established in the National Shellfish Sanitation Program.

(4) In SECTION 3 of the bill, at the end of added Section 436.108, Health and Safety Code, insert a new appropriately lettered Subsection as follows:

() A report produced by the Texas Oyster Council is public information.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Zbranek offered the following amendment to **SB 1685**:

Amend **SB 1685** as follows:

(1) In SECTION 2 of the bill, in amended Section 436.103(a), Health and Safety Code, between “who” and “handles,” insert “harvests, purchases,”.

(2) In SECTION 2 of the bill, in amended Section 436.103(a), Health and Safety Code, between “oysters” and “processed” insert “harvested, purchased, handled, or”.

(3) In SECTION 2 of the bill, in amended Section 436.103(b), Health and Safety Code, between “not” and “pack” insert “purchase or”.

(4) In SECTION 2 of the bill, in amended Section 436.103, Health and Safety Code, insert a new Subsection (f) as follows, and reletter the existing subsections appropriately:

(f) Money in the oyster sales account shall first be allocated for funding the public health activities of bay water and shellfish meat sample collection and analysis and wholesale, retail, and consumer education before money is allocated for research or promotion.

(5) In SECTION 3 of the bill, in added Section 436.104(a), Health and Safety Code, strike “and the director shall continue to designate those areas as open areas as much as possible while protecting public health” and substitute “as authorized by Section 436.101”.

(6) In SECTION 3 of the bill, in added Section 436.104(b), Health and Safety Code, strike “, subject to reasonable and prudent safety concerns, conduct” and substitute “conduct reasonable and prudent”.

(7) In SECTION 3 of the bill, in added Section 436.105, Health and Safety Code, strike “Molluscan” and substitute “Following initial refrigeration after unloading from a harvest boat, molluscan”.

(8) In SECTION 5 of the bill, in added Section 87.207(a)(1), Education Code, strike “support” and substitute “evaluate”.

(9) In SECTION 5 of the bill, in added Section 87.207, Education Code, insert a new Subsection (d) as follows:

(d) The marine biology department shall give priority to activities related to public health.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Zbranek offered the following amendment to **SB 1685**:

Amend **SB 1685** as follows:

(1) Strike SECTION 4 of the bill and substitute the following:

SECTION 1. Title 3, Agriculture Code, is amended by adding Chapter 47 to read as follows:

CHAPTER 47. TEXAS OYSTER PROGRAM

Sec. 47.001. PROMOTION AND ADVERTISEMENT. (a) The department may promote and advertise the Texas oyster industry by:

(1) using current market research to develop an oyster marketing plan to increase consumption of Texas oysters;

(2) conducting a public relations campaign to create a responsible and accurate image of the Texas oyster industry;

(3) providing information, education, and training to consumers on safe and proper handling of oysters; and

(4) using other methods the department considers appropriate.

(b) The department, following guidance of the oyster advisory committee established under Section 47.002, may use a portion of the oyster sales fee funds provided for administrative purposes.

Sec. 47.002. OYSTER ADVISORY COMMITTEE. (a) The commissioner shall appoint an oyster advisory committee to provide guidance and direction on the programs and activities established under this chapter and expenditures of the funds appropriated for the purposes of this chapter.

(b) Members of the advisory committee serve without compensation or reimbursement of expenses.

(c) The advisory committee shall meet and elect a chairperson from its members and shall conduct other meetings it considers necessary to provide guidance and direction to the department.

(d) The advisory committee consists of the following nine members:

(1) six members appointed by the commissioner from a list of nominations submitted individually by oyster dealers who have been certified in Texas for at least 12 months of each year of the three years preceding the nomination;

(2) two members appointed by the commissioner from a list of nominations submitted individually by oyster dealers who have been certified in Texas for at least six months of each year of the three years preceding the nomination; and

(3) one member appointed by the commissioner representing consumer interests.

(e) The advisory committee shall develop its own bylaws under which it shall operate. The bylaws shall stipulate that five members constitute a quorum sufficient to conduct meetings and business of the advisory committee.

(f) An advisory committee member serves a three-year term, with the terms of three members expiring August 31 of each year.

(g) A member of the advisory committee may be reappointed to the advisory committee.

(2) Strike SECTION 6 of the bill and substitute the following:

SECTION 6. In making the initial appointments of the Oyster Advisory Committee members under Section 47.002, Agriculture Code, as added by this Act, the commissioner of agriculture shall appoint:

(1) two members from the list submitted under Subdivision (1), Subsection (d), Section 47.002, Agriculture Code, as added by this Act, and one member from the list submitted under Subdivision (2), Subsection (d), Section 47.002, Agriculture Code, as added by this Act, to serve a term expiring August 31, 2000;

(2) two members from the list submitted under Subdivision (1), Subsection (d), Section 47.002, Agriculture Code, as added by this Act, and one member from the list submitted under Subdivision (2), Subsection (d), Section 47.002, Agriculture Code, as added by this Act, to serve a term expiring August 31, 2001; and

(3) two members from the list submitted under Subdivision (1), Subsection (d), Section 47.002, Agriculture Code, as added by this Act, and the public member appointed under Subdivision (3), Subsection (d), Section 47.002, Agriculture Code, as added by this Act, to serve a term expiring August 31, 2002.

Amendment No. 4 was adopted without objection.

SB 1685, as amended, was passed to third reading.

CSHB 1971 - LAID ON THE TABLE SUBJECT TO CALL

Representative Zbranek moved to lay **CSHB 1971** on the table subject to call.

The motion prevailed without objection.

HB 3525 ON SECOND READING
(by Coleman and McClendon)

HB 3525, A bill to be entitled An Act relating to the continued independence of Texas Southern University.

HB 3525 was read second time on April 30, postponed until May 4, postponed until May 7, and was again postponed until 10 a.m. today.

HB 3525 - LAID ON THE TABLE SUBJECT TO CALL

Representative Coleman moved to lay **HB 3525** on the table subject to call.

The motion prevailed without objection.

CSHB 3009 ON SECOND READING
(by Greenberg)

CSHB 3009, A bill to be entitled An Act relating to investments, accounting standards, and audits under the Public Funds Investment Act.

CSHB 3009 was read second time on May 7 and was postponed until 10 a.m. today.

Amendment No. 1

Representative Greenberg offered the following amendment to **CSHB 3009**:

Amend **CSHB 3009** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 2256.002(10), Government Code, is amended to read as follows:

(10) "Qualified representative" means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

(A) for a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;

(B) for a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution; [or]

(C) for an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or

(D) for an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or, if not subject to registration under that Act, registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

SECTION 2. Section 2256.003, Government Code, is amended to read as follows:

Sec. 2256.003. AUTHORITY TO INVEST FUNDS; ENTITIES SUBJECT TO THIS CHAPTER. (a) Each governing body of the following entities may purchase, sell, and invest its funds and funds under its control in investments authorized under this subchapter in compliance with investment policies approved by the governing body and according to the standard of care prescribed by Section 2256.006:

(1) a local government;
 (2) a state agency;
 (3) a nonprofit corporation acting on behalf of a local government or a state agency; or

(4) an investment pool acting on behalf of two or more local governments, state agencies, or a combination of those entities.

(b) Except as provided by Subsection (c), in the exercise of its powers under Subsection (a), the governing body of an investing entity may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. A renewal or extension of the contract must be made by the governing body of the investing entity by order, ordinance, or resolution.

(c) In a county having an elected county treasurer, the treasurer has the sole discretion to enter into a contract described by Subsection (b).

SECTION 3. Section 2256.004, Government Code, as amended by Chapters 505 and 1421, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

Sec. 2256.004. APPLICABILITY. (a) This subchapter does not apply to:
 (1) a public retirement system as defined by Section 802.001;
 (2) state funds invested as authorized by Section 404.024;
 (3) an institution of higher education having total endowments of at least \$95 million in book value on May 1, 1995;
 (4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code; ~~or~~
 (5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or[-]

(6) [(5)] a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C.

Section 1 et seq.), as amended.

(b) This subchapter does not apply to an investment donated to an investing entity for a particular purpose or under terms of use specified by the donor.

SECTION 4. Section 2256.005, Government Code, is amended by amending Subsections (f), (k), and (m) and adding Subsections (n) and (o) to read as follows:

(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer or contract with an investment management firm under Section 2256.003(b) or (c) to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a fiduciary [person] to invest an entity's funds is effective until rescinded by the investing entity, [or] until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the fiduciary [person] designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

(k) A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with an investing entity or to an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. For purposes of this subsection, a business organization includes investment pools and an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. Nothing in this subsection relieves the investing entity of the responsibility for monitoring the investments made by the investing entity to determine that they are in compliance with the investment policy. The qualified representative of the business organization offering to engage in an investment transaction with an investing entity shall execute a written instrument in a form acceptable to the investing entity and the business organization substantially to the effect that the business organization has:

- (1) received and reviewed the investment policy of the entity; and
- (2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire

portfolio or requires an interpretation of subjective investment standards.

(m) An investing entity other than a state agency, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the entity's established investment policies. ~~[State agencies shall report the results of the audit performed under this subsection to the state auditor. The state auditor shall compile the results of reports received under this subsection and annually report those results to the legislative audit committee.]~~

(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section 321.020. Not later than January 1 of each even-numbered year, a state agency shall report the results of the most recent audit performed under this subsection to the state auditor. A state agency also shall report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.

(o) The audit requirements of Subsection (n) do not apply to assets of a state agency that are invested by the comptroller under Section 404.024.

SECTION 5. Section 2256.007(c), Government Code, is amended to read as follows:

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

SECTION 6. Section 2256.008, Government Code, is amended to read as follows:

Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS. (a) Except as provided by Subsection (b), the ~~[The]~~ treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session under a curriculum approved by the state auditor and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) except as provided by Subsection (b), attend an investment training session not less than once in a two-year period and receive not less than 10 hours of instruction relating to investment responsibilities under this subchapter under a curriculum approved by the state auditor and ~~[from an independent source]~~ approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(b) An investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, that has contracted with an investment management firm under Section 2256.003(b) and has fewer than five full-time employees or an investing entity that has contracted with another investing entity to invest the entity's funds may satisfy the training

requirement provided by Subsection (a)(2) by having an officer of the governing body attend four hours of appropriate instruction in a two-year period.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

SECTION 7. Section 2256.009(a), Government Code, is amended to read as follows:

(a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:

(1) obligations of the United States or its agencies and instrumentalities;

(2) direct obligations of this state or its agencies and instrumentalities;

(3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

(4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities; ~~and~~

(5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and

(6) bonds issued, assumed, or guaranteed by the State of Israel.

SECTION 8. Section 2256.014(c), Government Code, is amended to read as follows:

(c) An entity is not authorized by this section to:

(1) invest in the aggregate more than 15 ~~[80]~~ percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in ~~[money market mutual funds described in Subsection (a) or]~~ mutual funds described in Subsection (b) ~~[- either separately or collectively];~~

~~(2) [invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);~~

~~[(3)] invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or~~

~~(3) [(4)] invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.~~

SECTION 9. The heading for Section 2256.015, Government Code, is amended to read as follows:

Sec. 2256.015. AUTHORIZED INVESTMENTS ~~[FOR STATE AGENCIES]; GUARANTEED INVESTMENT CONTRACTS.~~

SECTION 10. Section 2256.015(a), Government Code, is amended to read as follows:

(a) A guaranteed investment contract is an authorized investment [~~for state agencies~~] for bond proceeds under this subchapter if the guaranteed investment contract:

(1) has a defined termination date;

(2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and

(3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

SECTION 11. This Act takes effect September 1, 1999.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 1 was adopted without objection.

CSHB 3009, as amended, was passed to engrossment.

CSHB 3019 ON SECOND READING
(by Smithee)

CSHB 3019, A bill to be entitled An Act relating to the delegation of certain functions by health maintenance organizations.

CSHB 3019 was read second time on May 7 and was postponed until 10 a.m. today.

Representative Eiland moved to postpone consideration of **CSHB 3019** until 10 a.m. tomorrow.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Cook.

HB 745 ON SECOND READING
(by Eiland)

HB 745, A bill to be entitled An Act relating to license and renewal fees paid by certain licensed professional engineers.

HB 745 was read second time on May 7 and was postponed until 1:00 p.m. today.

Representative Eiland moved to postpone consideration of **HB 745** until 10 a.m. tomorrow.

The motion prevailed without objection.

HB 2579 ON SECOND READING
(by S. Turner, et al.)

HB 2579, A bill to be entitled An Act relating to the liability of certain persons providing facilities or other property for use for certain after-school activities.

HB 2579 was read second time on May 7 and was postponed until 2 p.m. today.

Representative Hope moved to postpone consideration of **HB 2579** until 4 p.m. today.

The motion prevailed without objection.

MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING

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

CSHB 537 ON SECOND READING
(by Danburg, Woolley, Homer, Merritt, Ramsay, et al.)

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

Amendment No. 1

Representative Palmer offered the following amendment to **CSHB 537**:

Amend **CSHB 537** on page 3, by striking lines 4-6, and substituting the following:

(2) the telephone solicitor makes the call after [~~12 noon or before 9 p.m. on a Sunday or after~~] 9 a.m. and before 9 p.m. on a weekday or a Saturday; and

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Farabee offered the following amendment to **CSHB 537**:

Amend **CSHB 537** on page 6, line 23, between the period and “A”, by inserting “The commission shall provide for dissemination of the no-call list in braille format if requested by a registered solicitor.”

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Corte offered the following amendment to **CSHB 537**:

Amend **CSHB 537** by striking Section 37.07, Business & Commerce Code, as added by the bill (page 8, line 27, through page 10, line 11).

LEAVE OF ABSENCE GRANTED

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

Tillery on motion of Bailey.

CSHB 537 - (consideration continued)

Representative Danburg moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 278): 103 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Burnam; Capelo; Chavez; Christian; Clark; Coleman; Cook; Counts; Cuellar; Danburg; Davis, Y.; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Haggerty; Hardcastle; Hawley; Hilbert; Hilderbran; Hochberg; Hodge; Homer; Hunter; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, T.; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Olivo; Pickett; Pitts; Ramsay; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Smith; Solis, J.; Solis, J. F.; Staples; Swinford; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Brown, B.; Brown, F.; Carter; Chisum; Corte; Crabb; Craddick; Crownover; Culberson; Delisi; Driver; Elkins; Green; Grusendorf; Hamric; Hartnett; Heflin; Hill; Hope; Howard; Hupp; Isett; King, P.; Krusee; Kuempel; Marchant; Nixon; Palmer; Puente; Reyna, E.; Seaman; Shields; Siebert; Solomons; Talton; Walker; Wohlgemuth.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Davis, J.; Gutierrez; Hinojosa; Janek; Jones, C.; Oliveira; Smithee; Tillery.

Absent — Alvarado.

Amendment No. 4

Representative Madden offered the following amendment to **CSHB 537**:

Amend **CSHB 537** as follows:

(1) On page 5, strike line 11 and substitute “behalf of political candidates, political parties, or officeholders or organizations calling in support or”.

(2) On page 9, strike line 7 and substitute “candidate, political party, or officeholder, or an organization calling in support of opposition to a”.

(3) On page 15, strike line 20 and substitute “on behalf of a political candidate, political party, or officeholder, or an organization calling in support of”.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representatives Hunter, Madden, and C. Jones offered the following amendment to **CSHB 537**:

Amend **CSHB 537** as follows:

(1) On page 9, strike line 5 and substitute “501(c)(3), (4), or (19), Internal Revenue Code of 1986, as amended, or a person making a telephone solicitation on behalf of such an entity”.

(2) On page 12, line 24, strike “The” and substitute “Except as provided by Section 38.054, the [The].”

(3) On page 15, line 14, strike the comma.

(4) On page 15, strike line 15 and substitute “or (4), Internal Revenue Code of 1986, as amended, or a person making a telephone solicitation on behalf of such an entity, if the entity is:”

Amendment No. 5 was adopted without objection.

CSHB 537, as amended, was passed to engrossment.

CSHB 2701 ON SECOND READING

(by Greenberg, Telford, Walker, McClendon, and Clark)

CSHB 2701, A bill to be entitled An Act relating to systems and programs administered by the Teacher Retirement System of Texas.

Representative Greenberg moved to postpone consideration of **CSHB 2701** until 10 a.m. Thursday, May 13.

The motion prevailed without objection.

HB 845 ON SECOND READING

(by Wilson)

HB 845, A bill to be entitled An Act relating to conflicts of interest of a lobbyist.

Representative Culberson moved to postpone consideration of **HB 845** until the end of today’s calendar.

The motion prevailed without objection.

CSHB 1777 ON SECOND READING

(by Wolens and Carter)

CSHB 1777, A bill to be entitled An Act relating to the provision of local exchange telephone service in a municipality and the management by the municipality of public rights-of-way used by providers of that service.

CSHB 1777 was passed to engrossment. (Keel recorded voting no)

GENERAL STATE CALENDAR

SENATE BILLS

THIRD READING

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

SB 1153 ON THIRD READING

(Eiland - House Sponsor)

SB 1153, A bill to be entitled An Act relating to fraternal benefit societies.

SB 1153 was passed.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**HB 2705 ON SECOND READING
(by Gallego)**

HB 2705, A bill to be entitled An Act relating to the collection and use of certain money in the judicial and court personnel training fund.

Representative Gallego moved to postpone consideration of **HB 2705** until 9 a.m. Thursday, May 13.

The motion prevailed without objection.

**HB 3066 ON SECOND READING
(by Hinojosa)**

HB 3066, A bill to be entitled An Act relating to the participation of attorneys representing the state in criminal cases in mediation or similar procedures.

Representative Cuellar moved to postpone consideration of **HB 3066** until 10 a.m. Wednesday, May 12.

The motion prevailed without objection.

**HB 3290 ON SECOND READING
(by Greenberg)**

HB 3290, A bill to be entitled An Act relating to course credits offered under an agreement between a school district and a junior college.

Representative Greenberg moved to postpone consideration of **HB 3290** until 10 a.m. Thursday, May 13.

The motion prevailed without objection.

**HB 3488 ON SECOND READING
(by Dunnam)**

HB 3488, A bill to be entitled An Act relating to requiring a court to admonish certain defendants entering a plea of guilty or nolo contendere of the sex offender registration requirements.

HB 3488 was passed to engrossment.

**CSHB 3765 ON SECOND READING
(by Gallego)**

CSHB 3765, A bill to be entitled An Act relating to the rights of crime victims and to the rights of victims of delinquent conduct committed by a child.

Amendment No. 1

Representative Gallego offered the following amendment to **CSHB 3765**:

Amend **CSHB 3765** to read as follows:

(1) On page 1, line 16, at Article 26.13, Code of Criminal Procedure, of SECTION 2 of the bill, between “afforded” and “the” insert “, to the greatest extent practicable.”

(2) On page 2, line 12, at Article 56.08, Code of Criminal Procedure, of SECTION 3 of the bill, between “record” and “whether” insert “, unless there is no record or the record is waived.”

(3) On page 5, line 9, at Section 57.002, Family Code, of SECTION 4 of the bill, between “afforded” and “the” insert “, to the greatest extent practicable.”

Amendment No. 1 was adopted without objection.

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. 24).

CSHB 3765 - (consideration continued)**Amendment No. 2**

Representative Allen offered the following amendment to **CSHB 3765**:

Amend **CSHB 3765** as follows:

(1) In the heading to SECTION 2 of the bill (House Committee Report, page 1, line 12), between “amended” and “by adding”, insert “amending Subsections (a) and (b) and”.

(2) At the end of the heading to SECTION 2 of the bill (House Committee Report, page 1, between lines 12 and 13), insert the following:

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;

(3) the right, if requested, to be informed by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those [court] proceedings have been canceled or rescheduled prior to the event;

(4) the right to be informed, when requested, by a peace officer concerning the defendant’s right to bail and the procedures in criminal investigations and by the district attorney’s office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;

(5) the right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;

(6) the right to receive information regarding compensation to victims of crime as provided by Subchapter B~~[, Chapter 56]~~, including information related to the costs that may be compensated under that subchapter [Act] and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that subchapter [Act], the payment for a medical examination under Article 56.06 ~~[of this code]~~ for a victim of a sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance;

(7) the right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in the defendant's file information to be considered by the board prior to the parole of any defendant convicted of any crime subject to this Act, and to be notified, if requested, of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause; ~~[and]~~

(11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS, if the offense is an offense under Section 21.11(a)(1), 22.011, or 22.021, Penal Code;

(12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice; and

(13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered:

(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and

(B) by the Board of Pardons and Paroles before an inmate is released on parole.

(b) A victim, guardian of a victim, or close relative of a deceased victim

is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.

(3) In SECTION 4 of the bill, in proposed Section 57.002(a)(6), Family Code (House Committee Printing, page 3, lines 20 and 22), strike each reference to “Act” and substitute “subchapter [Act]”.

(4) In SECTION 4 of the bill, in proposed Section 57.002(a)(7), Family Code (House Committee Printing, page 4, line 5), strike “of release or transfer” and substitute “of the person’s release, escape, or transfer”.

(5) In SECTION 4 of the bill, at the end of proposed Section 57.002(b), Family Code (House Committee Printing, page 5, between lines 11 and 12), insert the following:

(c) In notifying a victim of the release or escape of a person, the Texas Youth Commission shall use the same procedure established for the notification of the release or escape of an adult offender under Article 56.11, Code of Criminal Procedure.

(6) Add appropriately numbered SECTIONS to the bill to read as follows and renumber the existing SECTIONS of the bill accordingly:

SECTION _____. Article 42.037, Code of Criminal Procedure, is amended by adding Subsection (n) to read as follows:

(n) The pardons and paroles division may waive a supervision fee or an administrative fee imposed on an inmate under Section 508.182, Government Code, during any period in which the inmate is required to pay restitution under this article.

SECTION _____. Article 56.03(e), Code of Criminal Procedure, is amended to read as follows:

(e) Prior to the imposition of a sentence by the court in a criminal case, the court, if it has received a victim impact statement, shall consider the information provided in the statement. Before sentencing the defendant, the court shall permit the defendant or his counsel a reasonable time to read the statement, excluding the victim’s name, address, and telephone number, comment on the statement, and, with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the statement. If the court sentences the defendant to a term of community supervision [probation], the court shall forward any victim’s impact statement received in the case to the community supervision and corrections [probation] department supervising the defendant, along with the papers in the case.

SECTION _____. Article 56.12, Code of Criminal Procedure, is amended to read as follows:

Art. 56.12. NOTIFICATION OF ESCAPE OR TRANSFER. (a) The Texas Department of Criminal Justice shall immediately [~~make a reasonable attempt to~~] notify the victim of an offense, the victim’s guardian, or the victim’s close relative, if the victim is deceased[~~, whenever the offender escapes from a facility operated by the institutional division of the Texas Department of Criminal Justice~~], if the victim, victim’s guardian, or victim’s close relative has notified the institutional division as provided by Subsection (b) of this article, whenever the offender:

(1) escapes from a facility operated by the institutional division; or

(2) is transferred from the custody of the institutional division to the custody of a peace officer under a writ of attachment or a bench warrant. [~~An attempt by the Texas Department of Criminal Justice to give notice to the victim, the guardian of the victim, or a close relative of a deceased victim at the victim's, the guardian of the victim's, or a close relative of a deceased victim's last known telephone number or address as shown on the records of the department constitutes a reasonable attempt to give notice under this subsection.~~]

(b) It is the responsibility of the victim, guardian, or close relative desiring notification of an offender's escape or transfer from custody under a writ of attachment or bench warrant to notify the Texas Department of Criminal Justice of the desire for notification and any change of address.

(c) In providing notice under Subsection (a)(2), the institutional division shall include the name, address, and telephone number of the peace officer receiving the inmate into custody. On returning the inmate to the custody of the institutional division, the victim services division of the Texas Department of Criminal Justice shall notify the victim, the victim's guardian, or the victim's close relative if the victim is deceased, of that fact.

SECTION ____. Subchapter A, Chapter 56, Code of Criminal Procedure, is amended by adding Articles 56.13 and 56.14 to read as follows:

Art. 56.13. VICTIM-OFFENDER MEDIATION. The victim services division of the Texas Department of Criminal Justice shall:

(1) train volunteers to act as mediators between victims, guardians of victims, and close relatives of deceased victims and offenders whose criminal conduct caused bodily injury or death to victims; and

(2) provide mediation services through referral of a trained volunteer, if requested by a victim, guardian of a victim, or close relative of a deceased victim.

Art. 56.14. CLEARINGHOUSE ANNUAL CONFERENCE. (a) The Texas Crime Victim Clearinghouse may conduct an annual conference to provide to participants in the criminal justice system training containing information on crime victims' rights.

(b) The clearinghouse may charge fees to persons attending the conference described by Subsection (a).

SECTION ____. Section 76.016, Government Code, is amended to read as follows:

Sec. 76.016. VICTIM NOTIFICATION. (a) A department, using the name and address provided by the attorney representing the state under Article 56.08(d), Code of Criminal Procedure, shall immediately [~~make a reasonable effort to~~] notify a victim of the defendant's crime or, if the victim has a guardian or is deceased, [~~to~~] notify the guardian of the victim or close relative of the deceased victim of:

(1) the fact that the defendant has been placed on community supervision;

(2) the conditions of community supervision imposed on the defendant by the court; and

(3) the date, time, and location of any hearing or proceeding at which the conditions of the defendant's community supervision may be

modified or the defendant's placement on community supervision may be revoked or terminated.

(b) ~~[An attempt by the department to give notice to the victim, the guardian of the victim, or a close relative of a deceased victim at the victim's, the guardian of the victim's, or a close relative of a deceased victim's last known telephone number or address as shown on the records of the department constitutes a reasonable attempt to give notice under this section.~~

~~[(e)]~~ In this section, "close relative of a deceased victim," "guardian of a victim," and "victim" have the meanings assigned by Article 56.01, Code of Criminal Procedure.

SECTION ____. Section 415.032(b), Government Code, is amended to read as follows:

(b) In establishing requirements under this section, the commission shall require courses and programs to provide training in:

(1) the investigation and documentation of cases that involve the following:

- (A) child abuse;
- (B) child neglect;
- (C) family violence; and
- (D) sexual assault; ~~and~~

(2) issues concerning sex offender characteristics; ~~and~~

(3) crime victims' rights under Chapter 56, Code of Criminal Procedure, and Chapter 57, Family Code, and the duty of law enforcement agencies to ensure that a victim is afforded those rights.

SECTION ____. Section 493.001, Government Code, is amended to read as follows:

Sec. 493.001. DEPARTMENT MISSION. The mission of the department is to provide public safety, assist victims of crime, promote positive change in offender behavior, and reintegrate offenders into society.

SECTION ____. Subchapter B, Chapter 508, Government Code, is amended by adding Section 508.0481 to read as follows:

Sec. 508.0481. VICTIM'S RIGHT TO REPRESENTATION. (a) If a victim, close relative of a deceased victim, or guardian of a victim is required by a subpoena issued under Section 508.048 to appear at a hearing, the victim, relative, or guardian is entitled to representation by counsel at the hearing.

(b) This section does not require the state to provide representation by counsel to a victim, close relative of a deceased victim, or guardian of a victim.

(c) In this section, "victim," "close relative of a deceased victim," and "guardian of a victim" have the meanings assigned by Section 508.117.

SECTION ____. Section 2008.053(a), Government Code, as added by Chapter 934, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(a) A state agency may appoint a governmental officer or employee or a private individual to serve as an impartial third party in an alternative dispute resolution procedure. The agency's appointment of the impartial third party is subject to the approval of the parties, except that:

(1) when a State Office of Administrative Hearings administrative law judge has issued an order referring a case to an alternative dispute resolution procedure under Section 2003.042(5), the administrative law judge may appoint the impartial third party for the parties if they cannot agree on an impartial third party within a reasonable period; and

(2) if the procedure is a victim-offender mediation described by Article 56.13, Code of Criminal Procedure, approval of the parties is not required.

SECTION _____. (a) Section 154.023(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) Mediation is a forum in which an impartial person, the mediator, facilitates communication between parties to promote reconciliation, settlement, or understanding among them. Mediation includes victim-offender mediation described by Article 56.13, Code of Criminal Procedure.

(b) The amendment by this section to Section 154.023(a), Civil Practice and Remedies Code, granting victim-offender mediation provided by the Texas Department of Criminal Justice the same status as other forms of mediation authorized by Chapter 154, applies to a victim-offender mediation procedure provided by the department before, on, or after the effective date of this Act.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Allen offered the following amendment to **CSHB 3765**:

Amend **CSHB 3765** by adding an appropriately numbered SECTION to the bill to read as follows and by renumbering the existing SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 56, Code of Criminal Procedure, is amended by adding Article 56.045 to read as follows:

Art. 56.045. RIGHT TO PRESENCE OF VICTIM ASSISTANCE COORDINATOR, CRIME VICTIM ADVOCATE, OR OTHER REPRESENTATIVE. A victim of a sexual assault may not be denied the opportunity to have the victim assistance coordinator, an advocate from a crime victim assistance program, or another representative of the victim's choice present with victim at any medical examination conducted for the purpose of collecting evidence related to the investigation or prosecution of the offense.

Amendment No. 3 was adopted without objection.

CSHB 3765, as amended, was passed to engrossment.

HB 3065 ON SECOND READING (by Hinojosa)

HB 3065, A bill to be entitled An Act relating to the use of victim-offender alternative dispute resolution procedures in family violence cases.

Representative Cuellar moved to postpone consideration of **HB 3065** until 10 a.m. Wednesday, May 12.

The motion prevailed without objection.

CSSB 1112 ON SECOND READING
(Gallego - House Sponsor)

CSSB 1112, A bill to be entitled An Act relating to the allocation of funding for certain programs maintained by the Texas Department of Housing and Community Affairs to the uniform state service regions.

CSSB 1112 was considered in lieu of **HB 3326**.

CSSB 1112 was passed to third reading.

HB 3326 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gallego moved to lay **HB 3326** on the table subject to call.

The motion prevailed without objection.

CSHB 3457 ON SECOND READING
(by Hinojosa)

CSHB 3457, A bill to be entitled An Act relating to the renewal of certain bail bondsman licenses.

Representative Cuellar moved to postpone consideration of **CSHB 3457** until the end of today's calendar.

The motion prevailed without objection.

CSHB 3675 ON SECOND READING
(by Garcia)

CSHB 3675, A bill to be entitled An Act relating to certain assessment instruments administered to public school students.

Amendment No. 1

Representative Farabee offered the following amendment to **CSHB 3675**:

Amend **CSHB 3675** on page 4, between lines 20 and 21, by inserting the following and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION 1. Section 39.032(a), Education Code, is amended to read as follows:

(a) A company or organization may not distribute to, sell to, or grade for the same school district the same form of an assessment instrument for more than six [~~three~~] school years. A school district may not use the same form of an assessment instrument for more than six [~~three~~] years.

Representative Garcia moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representatives Shields, Longoria, Culberson, and Mowery offered the following amendment to **CSHB 3675**:

Amend **CSHB 3675** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 39.022, Education Code, is amended to read as follows:

Sec. 39.022. ASSESSMENT PROGRAM. The State Board of Education by rule shall create and implement a statewide assessment program that is knowledge-based [~~primarily performance-based~~] to ensure school accountability for student achievement that achieves the goals provided under Section 4.002. After adopting rules under this section, the State Board of Education shall consider the importance of maintaining stability in the statewide assessment program when adopting any subsequent modification of the rules.

SECTION _____. Section 39.023, Education Code, is amended to read as follows:

Sec. 39.023. ADOPTION AND ADMINISTRATION OF INSTRUMENTS.

(a) The agency shall adopt appropriate criterion-referenced assessment instruments designed to assess essential knowledge and skills [~~competencies~~] in reading, writing, mathematics, social studies, and science. All students, except students assessed under Subsection (b) or exempted under Section 39.027, shall be assessed in:

(1) grade level reading ability and grade level mathematics ability, including knowledge-based tests of basic arithmetic, computation skills without the aid of technology, and automaticity of basic mathematics skills, annually in grades three through eight;

(2) writing, including grade level spelling and grammar, in grades four and eight; and

(3) social studies and science, at an appropriate grade level determined by the State Board of Education.

(b) The agency shall develop or adopt appropriate criterion-referenced assessment instruments to be administered to each student in a special education program under Subchapter A, Chapter 29, who receives instruction in the essential knowledge and skills identified under Section 28.002 but for whom the assessment instruments adopted under Subsection (a), even with allowable modifications, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal committee. The assessment instruments required under this subsection must assess essential knowledge and skills [~~competencies~~] and growth in reading, mathematics, and writing. A student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection. The assessment instruments required under this subsection shall be administered on the same schedule as the assessment instruments administered under Subsection (a).

(c) The agency shall also adopt secondary exit-level assessment instruments designed to assess essential knowledge and skills [~~competencies~~] in mathematics and English language arts. The English language arts section must include the assessment of essential knowledge and skills in writing

[competencies]. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection or whether the student should be exempted under Section 39.027(a)(2). The State Board of Education shall administer the assessment instruments. The State Board of Education shall adopt a schedule for the administration of secondary exit-level assessment instruments. Each student who did not perform satisfactorily on any secondary exit-level assessment instrument when initially tested shall be given multiple opportunities to retake that assessment instrument.

(d) The agency shall adopt end-of-course assessment instruments for students in secondary grades who have completed Algebra I, Biology I, English II, and United States history. If a student is in a special education program under Subchapter A, Chapter 29, the student's admission, review, and dismissal committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this subsection or whether the student should be exempted under Section 39.027(a)(2).

(e) Under rules adopted by the State Board of Education, and except as provided by this subsection, the agency shall release the questions and answer keys to each assessment instrument administered under Subsection (a), (b), (c), or (d) after the last time the instrument is administered for a school year. To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and was not used to compute the student's score on the instrument. The agency shall also release, under board rule, each question that is no longer being field-tested and that was not used to compute a student's score.

~~(f) [The assessment instruments shall be designed to include assessment of a student's problem-solving ability and complex-thinking skills using a method of assessing those abilities and skills that is demonstrated to be highly reliable.~~

~~(g)~~ The State Board of Education shall ~~[may]~~ adopt one appropriate, nationally recognized, norm-referenced assessment instrument in reading and mathematics to be administered to a selected sample of students in the spring. The ~~[If adopted, a]~~ norm-referenced assessment instrument must be a secured test. The state shall ~~[may]~~ pay the costs of purchasing and scoring the adopted assessment instrument and of distributing the results of the adopted instrument to the school districts. A district that administers the norm-referenced test adopted under this subsection shall report the results to the agency in a manner prescribed by the commissioner.

~~(g)~~ ~~[(h)]~~ The agency shall notify school districts and campuses of the results of assessment instruments administered under this section at the earliest possible date determined by the State Board of Education but not later than the beginning of the subsequent school year.

~~(h)~~ ~~[(i)]~~ The provisions of this section are subject to modification by rules adopted under Section 39.022. Each assessment instrument adopted under those rules must be reliable and valid and must meet any applicable federal requirements for measurement of student progress.

(i) [(j)] The State Board of Education shall administer the end-of-course assessment instruments under Subsection (d) in Algebra I and Biology I. Not later than the 1998-1999 school year, the State Board of Education shall administer the end-of-course assessment instruments under Subsection (d) in English II and United States history. This subsection expires September 1, 2001.

(j) [(k)] Notwithstanding Subsection (e), the agency shall initially release under Subsection (e) the questions and answer keys to each assessment instrument administered under Subsection (b) during the third school year in which the instrument is administered after the last time the instrument is administered for that school year. This subsection expires September 1, 2004.

Amendment No. 2 was withdrawn.

CSHB 3675, 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).

CSHB 3189 ON SECOND READING (by Driver)

CSHB 3189, A bill to be entitled An Act relating to the regulation of persons who install fire alarms.

(Tillery now present)

Amendment No. 1

Representative Driver offered the following amendment to **CSHB 3189**:

Amend **CSHB 3189** on page 5 by striking lines 13-20 and substituting the following:

(b) A political subdivision may not sell, service, install, or monitor residential fire alarm or fire detection devices unless it provides the services only to residences within the boundaries of the political subdivision and it is providing these services to residences on September 1, 1999. This subsection does not prohibit response to a fire alarm or detection device by a law enforcement agency or fire department or by a law enforcement officer or firefighter acting in an official capacity.

Amendment No. 2

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

Amend the Driver amendment to **CSHB 3189** by adding the following language at the end of the amendment.

This subsection does not apply to a political subdivision with a population less than 15,000.

Amendment No. 3

Representative Giddings offered the following substitute amendment for

Amendment No. 2:

Substitute the following for the George amendment to the Driver amendment

Amend the Driver amendment to **CSHB 3189** by adding the following language at the end of the amendment.

This subsection does not apply to a political subdivision with a population less than 35,000.

Amendment No. 3 was adopted.

Amendment No. 2, as substituted, was adopted without objection.

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

CSHB 3189, as amended, was passed to engrossment.

CSHB 3272 ON SECOND READING
(by Goodman, Naishtat, et al.)

CSHB 3272, A bill to be entitled An Act relating to the enforcement and collection of child support.

Amendment No. 1

Representative Pickett offered the following amendment to **CSHB 3272**:

Amend **CSHB 3272** by inserting the following section, appropriately numbered, and renumbering the subsequent sections of the bill accordingly:

SECTION _____. Subchapter A, Chapter 234, Family Code, as added by Chapter 911, Acts of the 75th Legislature, Regular Session, 1997, is amended by adding Section 234.006 to read as follows:

Sec. 234.006. DIRECT DEPOSIT OF CHILD SUPPORT PAYMENTS.

(a) The state disbursement unit authorized under this chapter may transmit a child support payment to an obligee by electronic funds transfer if the obligee maintains an account with a financial institution.

(b) The work group convened under this subchapter may develop a plan to assist an obligee who does not have an account with a financial institution to obtain an account.

(c) The work group may determine whether it is feasible and cost-effective for the state to administer an electronic benefits transfer system for child support obligees and may recommend implementation of such a system to the Title IV-D agency.

(d) After receiving any recommendations by the work group under Subsection (c), the Title IV-D agency or the vendor selected by the Title IV-D agency to operate the state disbursement unit may provide for electronic benefits transfer, if the request for proposals issued by the Title IV-D agency and any contract resulting from the selection of a vendor to provide the services specified in the request for proposals provide for electronic benefits transfer.

(e) The work group may recommend and the Title IV-D agency may establish procedures to implement this section.

(f) The Title IV-D agency, after receiving the recommendation of the work group, may require an obligee to receive payments by direct deposit to the

obligee's bank account or by electronic benefit transfer to an account established by the Title IV-D agency or the state disbursement unit, if the account is established at no cost to the obligee.

Amendment No. 1 was adopted without objection.

CSHB 3272, as amended, was passed to engrossment.

POSTPONED BUSINESS

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

CSSB 1735 ON SECOND READING (Van de Putte - House Sponsor)

CSSB 1735, A bill to be entitled An Act relating to the appointment and duties of associate judges and child support masters.

CSSB 1735 was considered in lieu of **HB 3706**. (**HB 3706** was read second time earlier today and was postponed until this time.)

CSSB 1735 was read second time.

Amendment No. 1

Representative Van de Putte offered the following amendment to **SB 1735**:

Amend **CSSB 1735** by adding the following appropriately numbered section and renumbering the sections of the bill as appropriate:

SECTION _____. Section 56.54, Code of Criminal Procedure, is amended by adding Subsection (j) to read as follows:

(j) The legislature may appropriate money in the compensation to victims of crime fund to administer the associate judge program under Subchapter C, Chapter 201, Family Code.

Amendment No. 1 was adopted without objection.

CSSB 1735, as amended, was passed to third reading.

HB 3706 - LAID ON THE TABLE SUBJECT TO CALL

Representative Van de Putte moved to lay **HB 3706** on the table subject to call.

The motion prevailed without objection.

HB 2579 ON SECOND READING (by S. Turner, et al.)

HB 2579, A bill to be entitled An Act relating to the liability of certain persons providing facilities or other property for use for certain after-school activities.

HB 2579 was read second time earlier today and was postponed until this time.

Representative Cuellar moved to postpone consideration of **HB 2579** until the end of today's calendar.

The motion prevailed without objection.

GENERAL STATE CALENDAR
(consideration continued)

CSHB 3315 ON SECOND READING
(by Cuellar)

CSHB 3315, A bill to be entitled An Act relating to loan assistance for low-income individuals and families.

CSHB 3315 was passed to engrossment.

CSHB 3470 ON SECOND READING
(by Olivo, Chavez, Rangel, and Naishtat)

CSHB 3470, A bill to be entitled An Act relating to the creation of a Parents as Scholars pilot program for certain persons eligible to receive TANF benefits.

CSHB 3470 was passed to engrossment.

CSHB 3570 ON SECOND READING
(by Haggerty)

CSHB 3570, A bill to be entitled An Act relating to supplemental environmental projects undertaken in lieu of certain penalties.

Representative Haggerty moved to postpone consideration of **CSHB 3570** until 10 a.m. Wednesday, May 12.

The motion prevailed without objection.

HB 3177 ON SECOND READING
(by G. Lewis)

HB 3177, A bill to be entitled An Act relating to payment of claims by the Texas Property and Casualty Insurance Guaranty Association.

Amendment No. 1

Representative G. Lewis offered the following amendment to **HB 3177**:

Amend **HB 3177** on page 2 by striking lines 1-8 and substituting the following:

SECTION 2. This Act is intended to clarify the law as it existed immediately before the effective date of this Act and applies to payment of covered claims with respect to a designation of impairment made before, on, or after the effective date of this Act.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Brimer offered the following amendment to **HB 3177**:

Amend Section 1, **HB 3177** to read as follows:

SECTION 1. Section 8(d), Article 21.28-C, Insurance Code, is amended to read as follows:

(d) The association shall investigate and adjust, compromise, settle, and pay covered claims to the extent of the association's obligation and deny all other claims. The association may review settlements, releases, and judgments to which the impaired insurer or its insureds were parties to determine the

extent to which those settlements, releases, and judgements may be properly contested. Any judgment taken by default or consent against an insured or the impaired insurer, is not binding on the association, and may not be considered as evidence of liability or of damages in connection with any claim brought against the association or any other party under this Act. Notwithstanding any other provision of this Act or of Article 21.28 of this code, a covered claim shall not include any claim filed with the guaranty association after ~~[the later of the final date for filing claims against the liquidator or receiver of an insolvent insurer, or]~~ eighteen months following [after] the order of impairment [liquidation] unless the court shall find that a compelling reason exists for the time to be extended to address unusual or extenuating circumstances.

Amendment No. 2 was adopted without objection.

HB 3177, as amended, was passed to engrossment.

HB 3229 ON SECOND READING

(by Capelo)

HB 3229, A bill to be entitled An Act relating to the property, items, persons, or contraband subject to seizure under a search warrant.

Amendment No. 1

Representative Capelo offered the following amendment to **HB 3229**:

Amend **HB 3229**, on page 1, lines 7-11, by striking the first sentence of amended Article 18.01(d), Code of Criminal Procedure, and substituting the following:

Only the specifically described property or items set forth in a search warrant issued under Subdivision (10) of Article 18.02 of this code or property, ~~or~~ items, persons, or contraband enumerated in Subdivisions (1) through (9), (11), or (12) of Article 18.02 of this code may be seized.

Amendment No. 1 was adopted without objection.

HB 3229, as amended, was passed to engrossment.

CSHB 3304 ON SECOND READING

(by Thompson)

CSHB 3304, A bill to be entitled An Act relating to the books and records of insurers.

Amendment No. 1

Representative Thompson offered the following amendment to **CSHB 3304**:

Amend **CSHB 3304** by striking all below the enacting clause and substituting the following:

SECTION 1. Art. 1.28, Insurance Code, is amended to read as follows:

Art. 1.28. Out-of-State Books, Records, Accounts, and Offices.

Sec. 1. (a) On giving written notice of intent to the commissioner of insurance, and if the commissioner of insurance does not disapprove within

30 days after that notice is given, a domestic insurance company, including a life, health, and accident insurance company, fire and marine insurance company, surety and trust company, general casualty company, title insurance company, fraternal benefit society, mutual life insurance company, local mutual aid association, statewide mutual assessment company, mutual insurance company other than life, farm mutual insurance company, county mutual insurance company, Lloyds plan, reciprocal exchange, group hospital service corporation, health maintenance organization, stipulated premium insurance company, nonprofit legal services corporation, or any other entity licensed under the Insurance Code or chartered or organized under the laws of this state that is an affiliated member of an insurance holding company system, as defined by Article 21.49-1, Insurance Code, as added by Chapter 356, Acts of the 62nd Legislature, Regular Session, 1971 (Article 21.49-1, Vernon's Texas Insurance Code), may locate and maintain all or any portion of its books, records, an accounts and its principal offices outside this state at a location within the United States if the company meets the requirements of this section. This article does not apply to or prohibit the location and maintenance of the normal books, records, and accounts including policyholder and claim files [~~of either a branch office or agency office~~] of a domestic insurance company, relating to the business produced by or through an agency of the company whether or not such agency is an affiliate under Article 21.49-1, at the branch office or agency office, if that office is located in the United States.

(b) The domestic insurance company must be:

(1) an affiliate of an insurance holding company system as defined in Article 21.49, Insurance Code, as added by Chapter 356, Acts of the 62nd Legislature, Regular Session, 1971 (Article 21.49-1, Vernon's Texas Insurance Code), that has made the necessary filings as required by that article and that is in compliance with that article; [~~or~~]

(2) a nonprofit legal services corporation whose claims and daily affairs are handled under contract by a foreign insurer licensed to do a similar business in this state; or [-]

(3) a health maintenance organization that is affiliated with other health maintenance organizations or health care providers.

(c) The Ultimate controlling person of the insurance holding company system, the immediate controlling person of the domestic insurance company, or an intermediate controlling person of the domestic insurance company must be legally domiciled, licensed, or admitted to transact business in a jurisdiction within the United States.

(d) The books, records, accounts or offices of the domestic insurance company are under the company's direct supervision, management, and control.

(e) Both the domestic insurance company and the controlling person of the affiliated insurance holding company system must appoint and maintain a person in this state as attorney for service of process in the manner provided by Section 2(b), Article 1.36, of this code. The commissioner is authorized to accept service and notify the insurance company, in the manner provided by Section 3, Article 1.36 of this code, if the insurance company does not appoint or maintain an attorney for acceptance of process.

(f) A separate notice of intent shall not be required if the domestic insurer has an agreement to maintain its books and records outside of the state with an affiliate and such agreement has been approved or deemed approved as required by art. 21.49-1, Insurance Code and such agreement contains substantially all the information required for such notice under this article.

(g) The commissioner shall adopt rules allowing the maintenance of the books and records of a domestic insurer subject to this article with a non-affiliated entity other than an agency and to allow a domestic health maintenance organization to comply with this article.

Sec. 2. (a) A credit on or offset to the amount of premium taxes to be paid by the domestic insurance company to the state in a taxable year may not be allowed on:

(1) examination expenses incurred by representatives of the department that are directly attributable to an examination of the books, records, accounts, or principal offices of a domestic insurance company located outside this state;

(2) examination expenses or fees paid to a state other than this state;

or

(3) examination expenses paid in a different taxable year.

(b) This article prevails over any conflicting provisions in Articles 1.16, 4.10, 9.59, and 4.11 of this code or any other law of this state.

SECTION 2. This Act takes effect September 1, 1999. This Act clarifies the law as it existed immediately before the effective date of this Act and may not be interpreted to imply that the law as it existed immediately before the effective date of this Act is inconsistent with the law as amended by this Act.

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.

Amendment No. 1 was adopted without objection.

CSHB 3304, as amended, was passed to engrossment.

CSHB 3340 ON SECOND READING
(by Naishtat, et al.)

CSHB 3340, A bill to be entitled An Act relating to a rental housing pilot program to expand long-term care housing options for elderly residents of this state with low, very low, or extremely low income.

CSHB 3340 was passed to engrossment.

GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING

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

SB 61 ON SECOND READING
(Clark, Uresti, Christian, and Hilderbran - House Sponsors)

SB 61, A bill to be entitled An Act relating to regulation of certain body piercing facilities; providing penalties.

Representative Clark moved to postpone consideration of **SB 61** until 10 a.m. Wednesday, May 12.

The motion prevailed without objection.

SB 114 ON SECOND READING
(Hochberg and Wise - House Sponsors)

SB 114, A bill to be entitled An Act relating to the standard of alcohol concentration used in defining the term “intoxicated” for the purposes of certain offenses involving intoxication.

Amendment No. 1

Representative Dutton offered the following amendment to **SB 114**:

Amend **SB 114**, in SECTION 1 of the bill, in proposed Section 49.01(2)(B), Penal Code, by striking “an alcohol concentration of 0.08 [0.10] or more” (page 1, lines 13-14, House Committee Printing) and substituting “any detectable amount of [an] alcohol in the body [concentration of 0.10 or more]”.

(Oliveira and Hinojosa now present)

Representative Hochberg moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 279): 85 Yeas, 46 Nays, 10 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Delisi; Denny; Driver; Ehrhardt; Eiland; Ellis; Flores; Gallego; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hochberg; Hope; Hunter; Hupp; Isett; Jones, D.; Junell; Keffer; King, P.; Krusee; Kuempel; Madden; Marchant; Maxey; McClendon; Morrison; Mowery; Naishtat; Najera; Nixon; Olivo; Palmer; Pickett; Pitts; Ramsay; Reyna, A.; Sadler; Seaman; Siebert; Smith; Solomons; Staples; Swinford; Truitt; Turner, B.; Walker; West; Wohlgemuth; Wolens; Woolley.

Nays — Bailey; Bonnen; Capelo; Cuellar; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Elkins; Farabee; Farrar; Garcia; Hinojosa; Hodge; Homer; Jones, J.; Keel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; McReynolds; Merritt; Moreno, J.; Moreno, P.; Noriega; Oliveira; Puente; Rangel; Reyna, E.; Ritter; Salinas; Solis, J.; Solis, J. F.; Telford; Tillery; Turner, S.; Uher; Uresti; Van de Putte; Wise; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C); Culberson; Heflin; Hilderbran; Hill; Howard; King, T.; McCall; Talton; Williams.

Absent, Excused — Davis, J.; Gutierrez; Janek; Jones, C.; Smithee.

Absent — Alvarado; Shields; Thompson; Wilson.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 279. I intended to vote yes.

Culberson

I was shown voting no on Record No. 279. I intended to vote yes.

Homer

When Record No. 279 was taken, I was in the house but away from my desk. I would have voted yes.

Shields

Amendment No. 2

Representative Dutton offered the following amendment to **SB 114**:

Amend **SB 114**, in SECTION 1 of the bill, in proposed Section 49.01(2)(B), Penal Code, by striking “an alcohol concentration of 0.05 [~~0.10~~] or more” (page 1, lines 13-14, House Committee Printing) and substituting “any detectable amount of [an] alcohol in the body [concentration of 0.10 or more]”.

(Sadler in the chair)

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Dutton offered the following amendment to **SB 114**:

Amend **SB 114**, in SECTION 1 of the bill, in proposed Section 49.01 (2) (B), Penal Code, by striking “0.08” and substituting “0.05”.

Representative Hochberg moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 280): 82 Yeas, 55 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Craddick; Crownover; Danburg; Delisi; Denny; Driver; Ehrhardt; Ellis; Glaze; Goodman; Gray; Greenberg; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hochberg; Homer; Hope; Hunter; Hupp; Jones, D.; Jones, J.; Junell; Keffer; King, P.; Krusee; Kuempel; Lengefeld; Madden; Maxey; McCall; McClendon; Merritt; Morrison; Mowery; Naishtat; Najera; Nixon; Olivo; Palmer; Pickett; Pitts; Ramsay; Reyna, A.; Seaman; Shields; Siebert; Smith; Staples; Swinford; Telford; Thompson; Truitt; Turner, B.; Uher; Van de Putte; Walker; West; Williams; Wohlgemuth; Woolley.

Nays — Bailey; Bonnen; Capelo; Corte; Crabb; Cuellar; Culberson; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Green; Heflin;

Hilderbran; Hill; Hinojosa; Hodge; Howard; Isett; Keel; Lewis, G.; Lewis, R.; Longoria; Luna; McReynolds; Moreno, J.; Moreno, P.; Noriega; Puente; Rangel; Reyna, E.; Ritter; Salinas; Solis, J.; Solis, J. F.; Solomons; Talton; Tillery; Turner, S.; Uresti; Wilson; Wise; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; King, T.; Sadler(C).

Absent, Excused — Davis, J.; Gutierrez; Janek; Jones, C.; Smithee.

Absent — Alvarado; Goolsby; Marchant; Oliveira; Wolens.

STATEMENT OF VOTE

When Record No. 280 was taken, I would have voted yes.

Wolens

SB 114 - REASON FOR VOTE

I voted to table both amendments by Representative Dutton because it was my belief that he was attempting to “kill” the bill by making the blood alcohol level so low that it would not pass. I believe that the .08 standard is important and voted for its passage.

Junell

SB 114, as amended, was passed to third reading. (Alexander, Berman, B. Brown, F. Brown, Christian, Cook, Crownover, Culberson, Delisi, Eiland, Hill, Hope, Hupp, Junell, Keffer, P. King, Lengefeld, R. Lewis, McCall, Morrison, Nixon, Noriega, Ramsay, Seaman, Shields, Staples, Talton, Truitt, West, and Williams, recorded voting yes; Dutton, no)

SB 196 ON SECOND READING (Coleman - House Sponsor)

SB 196, A bill to be entitled An Act relating to administrative penalties for intermediate care facilities for the mentally retarded.

Amendment No. 1

Representative Coleman offered the following amendment to **SB 196**:

Amend **SB 196** as follows:

(1) In SECTION 3 of the bill, in Section 252.065(b), Health and Safety Code (house committee printing, page 2, lines 18-25), strike lines 18-25 and substitute the following:

“(b) The penalty for a facility with less than 60 beds shall be not less than \$100 or more than \$1,000 for each violation. The penalty for a facility with 60 beds or more shall be not less than \$100 or more than \$5,000 for each violation. The total amount of the penalty assessed for a violation continuing or occurring on separate days under this subsection may not exceed \$5,000 for a facility with less than 60 beds or \$25,000 for a facility with 60 beds or more. Each day a violation occurs or continues is a separate violation for purposes of imposing a penalty. [The department by rule shall”.

(2) In SECTION 3 of the bill, in Section 252.065, Health and Safety Code (house committee printing, page 4, line 16), strike “implemented” and substitute “implemented. This subsection does not apply to a violation that

the department determines has resulted in serious harm to or the death of a resident or constitutes a serious threat to the health or safety of a resident”

(3) In SECTION 3 of the bill, in Section 252.065, Health and Safety Code (house committee printing, page 5, between lines 12 and 13), insert Subsection (k) to read as follows:

(k) Rules adopted under this section shall include specific, appropriate, and objective criteria that describe the scope and severity of a violation that results in a recommendation for each specific penalty.

(4) Insert the following appropriately numbered SECTION of the bill and renumber the remaining SECTIONS as appropriate:

SECTION _____. Subchapter B, Chapter 252, Health and Safety Code, is amended by adding Section 252.0651 to read as follows:

Sec. 252.0651. APPLICATION OF OTHER LAW. The department may not assess more than one monetary penalty under this chapter for a violation arising out of the same act or failure to act.

(Speaker in the chair)

Amendment No. 1 was adopted without objection.

SB 196, as amended, was passed to third reading.

SB 730 ON SECOND READING
(Van de Putte - House Sponsor)

SB 730, A bill to be entitled An Act relating to the licensing and regulation of pharmacists and pharmacies.

Amendment No. 1

Representative Van de Putte offered the following amendment to **SB 730**:

Amend the engrossed version of **SB 730**, on page 2, line 13, by striking the word “attended” and inserting the words “successfully completed” and by adding a new Section 7, on page 7, line 18, that reads as follows:

“SECTION 7. Section 30(f), Texas Pharmacy Act (Article 4542a-1, Vernon’s Texas Civil Statutes) (f) A separate license is required for each principal place of business, and only one pharmacy license may be issued to a specific location. Principal place of business means a location where a person distributes, dispenses, or possesses prescription drugs.”

Renumber subsequent sections accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Van de Putte offered the following amendment to **SB 730**:

Amend **SB 730** as follows:

(1) In SECTION 2 of the bill, in Section 17(a), Texas Pharmacy Act (Article 4542a-1, Vernon’s Texas Civil Statutes) (house committee printing, page 4, line 3), strike “of pharmacist-interns; and” and substitute the following:

of;

(A) pharmacist-interns; and

(B) pharmacy technicians; and

(2) In SECTION 5 of the bill, in Section 28(b), Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes) (house committee printing, page 6, line 7), strike "license or" and substitute "license, [or]".

(3) In SECTION 5 of the bill, in Section 28(b), Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes) (house committee printing, page 6, line 8), between "pharmacy" and "in" insert "or pharmacy technician registration".

(4) In SECTION 8 of the bill (house committee printing, page 8, between lines 18 and 19), insert a new Subsection (d) to read as follows:

(d) Section 20A, Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes), as added by this Act, takes effect January 1, 2001. Section 20B, Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes), as added by this Act, takes effect September 1, 2001.

(5) Insert the following appropriately numbered SECTIONS of the bill and renumber the remaining SECTIONS as appropriate:

SECTION _____. Section 17(o), Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes), is amended to read as follows:

(o) The board:

(1) shall establish rules for the use of pharmacy technicians and the duties of those technicians in pharmacies licensed by the board, provided that those technicians are responsible to and directly supervised by a pharmacist licensed by the board;

(2) [~~provided however that the board~~] may not adopt rules or regulations establishing ratios of pharmacists to pharmacy technicians in Class C pharmacies; [~~and~~]

(3) shall [(2) may] determine and issue standards for recognition and approval of training programs for pharmacy technicians; and

(4) shall maintain a list of board-approved training programs that meet the standards under Subdivision (3) of this subsection.

SECTION _____. The Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes) is amended by adding Sections 20A and 20B to read as follows:

Sec. 20A. QUALIFICATIONS AND SUPERVISION OF PHARMACY TECHNICIANS; RULES. (a) In establishing rules under Section 17(o) of this Act, the board shall require that a pharmacy technician:

(1) have a high school diploma or a high school equivalency certificate or be working to achieve an equivalent diploma or certificate; and

(2) have passed a board-approved pharmacy technician certification examination.

(b) The board may allow a technician to petition the board for a special exemption from the technician certification requirement if the technician:

(1) is in a county with a population of less than 50,000; or

(2) on September 1, 2001, has been employed as a pharmacy technician in this state for at least 10 years and the technician's employer approves the petition.

(c) The board shall adopt rules that permit a pharmacy technician to perform only nonjudgmental technical duties under the direct supervision of a pharmacist.

Sec. 20B. PHARMACY TECHNICIAN REGISTRATION REQUIRED.

(a) A pharmacy technician must register with the board annually or biennially, as determined by board rule, on a form prescribed by the board.

(b) The board may refuse to issue or renew a registration or may suspend or revoke any registration issued by the board if the board determines that the applicant or registrant has:

(1) violated this Act or a rule adopted under this Act;

(2) engaged in gross immorality as that term is defined by the rules of the board;

(3) engaged in any fraud, deceit, or misrepresentation, as those terms are defined by the rules of the board, in seeking a registration to act as a pharmacy technician;

(4) been convicted of a misdemeanor involving moral turpitude or a felony;

(5) a drug or alcohol dependency;

(6) violated the Texas Controlled Substances Act (Chapter 481, Health and Safety Code) or Texas Dangerous Drug Act (Chapter 483, Health and Safety Code) or rules relating to those acts, Sections 485.031-485.035, Health and Safety Code, or a rule adopted under Section 485.011, Health and Safety Code;

(7) violated the pharmacy or drug laws or rules of this state, another state, or the United States; or

(8) had a registration as a pharmacy technician issued by another state revoked, surrendered, or suspended for conduct substantially equivalent to conduct described in Subdivisions (1) through (6) of this subsection.

(c) a certified copy of the record of a state taking action described by Subsection (b)(8) of this section is conclusive evidence of the action taken by the state.

(d) The board may adopt a system in which the registrations of pharmacy technicians expire on various dates during the year.

(e) The board may adopt fees as necessary for the registration of pharmacy technicians.

SECTION _____. The Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes) is amended by adding Section 42 to read as follows:

Sec. 42. DUTY OF PROFESSIONAL LIABILITY INSURER TO REPORT. (a) Every insurer or other entity providing pharmacist's professional liability insurance, pharmacy technician professional and supplemental liability insurance, or druggist's professional liability insurance covering a pharmacist, pharmacy technician, or pharmacy license holder in this state shall submit to the board the information described in Subsections (b) and (c) of this section at the time prescribed. The information shall be provided with respect to a notice of claim letter or complaint filed against an insured in a court, if the notice or complaint seeks damages relating to the insured's conduct in providing or failing to provide appropriate service within the scope of pharmaceutical care or services, and with respect to settlement of a claim or lawsuit made on behalf of the insured. If a pharmacist, pharmacy technician, or a pharmacy licensed in this state does not carry or is not covered by pharmacist's professional liability insurance, pharmacy technician

professional and supplemental liability insurance, or druggist's professional liability insurance and is insured by a nonadmitted carrier or other entity providing pharmacy professional liability insurance that does not report under this Act, the duty to report information under Subsections (b) and (c) of this section is the responsibility of the pharmacist, pharmacy technician, or pharmacy license holder.

(b) The following information must be furnished to the board not later than the 30th day after receipt by the insurer of the notice of claim letter or complaint from the insured:

(1) the name of the insured and the insured's Texas pharmacy technician registration number or pharmacist or pharmacy license number;

(2) the policy number; and

(3) a copy of the notice of claim letter or complaint.

(c) The board shall, in consultation with the Texas Department of Insurance, adopt rules for reporting additional information as the board may require. Other claim reports required under state and federal law shall be considered in determining the information to be reported, the form of the report, and frequency of reporting under the rules. Additional information that the board may require may include:

(1) the date of any judgment, dismissal, or settlement; and

(2) whether an appeal has been taken and by which party.

(d) An insurer reporting under this section, its agents or employees, or the board or its employees or representatives are not liable for damages in a suit brought by any person or entity for reporting as required by this section or for any other action taken under this section.

(e) Information submitted to the board under this section and the fact that the information has been submitted to the board may not be:

(1) offered in evidence or used in any manner in the trial of a suit described in this section; or

(2) used in any manner to determine the eligibility or credentialing of a pharmacy to participate in a health insurance plan defined by the Insurance Code.

(f) Information submitted under this section is confidential and is not subject to disclosure under Chapter 552, Government Code. The board shall adopt rules to ensure the confidentiality of information submitted under this section.

(g) The board shall review the information relating to a pharmacist, pharmacy technician, or pharmacy license holder against whom at least three professional liability claims have been reported within a five-year period in the same manner as if a complaint against the pharmacist, pharmacy technician, or pharmacy license holder had been made under Section 17A of this Act.

(h) The Texas Department of Insurance may impose on any insurer subject to this Act sanctions authorized by Section 7, Article 1.10, Insurance Code, if the insurer fails to report information as required by this section.

Amendment No. 2 was adopted without objection.

SB 730, as amended, was passed to third reading.

SB 1289 ON SECOND READING
(Cuellar - House Sponsor)

SB 1289, A bill to be entitled An Act relating to donations and other transfers of real or personal property to institutions of higher education.

SB 1289 was passed to third reading.

SB 417 ON SECOND READING
(Hamric - House Sponsor)

SB 417, A bill to be entitled An Act relating to the reporting duties of emergency services districts and rural fire prevention districts.

SB 417 was passed to third reading.

SB 1574 ON SECOND READING
(Gray - House Sponsor)

SB 1574, A bill to be entitled An Act relating to the administration of certain programs for at-risk children and their families.

Amendment No. 1

Representative Uher offered the following amendment to **SB 1574**:

Amend **SB 1574** by adding the following new SECTIONS, appropriately numbered, and by renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 305, Labor Code, is transferred to Chapter 264, Family Code, is redesignated as Subchapter I, Chapter 264, Family Code, and is amended to read as follows:

SUBCHAPTER I [CHAPTER 305]. COMMUNITIES IN SCHOOLS PROGRAM
[SUBCHAPTER A. GENERAL PROVISIONS]

Sec. 264.751 [305.001]. DEFINITIONS. In this subchapter [chapter]:

(1) "Agency" means the Texas Education Agency.
(2) "Communities In [in] Schools program" means an exemplary youth dropout prevention program.

(3) "Delinquent conduct" has the meaning assigned by Section 51.03.

(4) "Student at risk of dropping out of school" has the meaning assigned by Section 29.081, Education Code, or means a student who is eligible for a free or reduced lunch or is in family conflict or crisis.

Sec. 264.752 [305.002]. STATEWIDE OPERATION OF PROGRAM. It is the intent of the legislature that the Communities In [in] Schools program operate throughout this state. It is also the intent of the legislature that programs established under Chapter 305, Labor Code, and its predecessor statute, the Texas Unemployment Compensation Act (Article 5221b-9d, Vernon's Texas Civil Statutes), and programs established under this subchapter shall remain eligible to participate in the Communities In Schools program if funds are available and if their performance meets the criteria established by the department for renewal of their contracts.

[SUBCHAPTER B. OPERATION OF PROGRAM]

Sec. ~~264.753~~ [305.011]. STATE DIRECTOR [COORDINATOR]. The executive director of the department shall ~~designate~~ [appoint] a state ~~director~~ [coordinator] for the Communities In [in] Schools program.

Sec. ~~264.754~~ [305.012]. DUTIES OF STATE DIRECTOR [COORDINATOR]. The state ~~director~~ [coordinator] shall:

(1) coordinate the efforts of the Communities In Schools program with other social service organizations and agencies and with [of] public school personnel to provide services to students who are at risk of dropping out of school or engaging in delinquent conduct, including students who are in family conflict or emotional crisis;

(2) set standards for the Communities In [in] Schools program and establish state performance goals, objectives, and measures for the program;

(3) obtain information [~~from each participating school district~~] to determine accomplishment of state performance goals, objectives, and measures [~~necessary program changes~~];

(4) promote and market the program in communities in which the program is not established;

(5) help communities that want to participate in the program establish a local funding base; and

(6) provide training and technical assistance [~~train a program director~~] for [~~each~~] participating communities and programs [~~community~~].

Sec. ~~264.755~~ [305.013]. AGENCY COOPERATION; MEMORANDUM OF UNDERSTANDING. (a) The agency, [~~and~~] the department, and Communities In Schools, Inc. [~~commission~~] shall work together to maximize the effectiveness of the Communities In [in] Schools program.

(b) The agency and the department [~~commission~~] shall develop and mutually agree to a memorandum of understanding to clearly define the responsibilities of the [~~each~~] agency and of the department under this subchapter [~~chapter~~]. The memorandum must address:

(1) the role of the department [~~commission~~] in encouraging local business to participate in local Communities In [in] Schools programs;

(2) the role of the agency in obtaining information from participating school districts;

(3) the use of federal or state funds available to the agency or the department [~~commission~~] for programs of this nature; and

(4) other areas identified by the agency and the department [~~commission~~] that require clarification.

(c) The agency and the department [~~commission~~] shall adopt rules to implement the memorandum and shall update the memorandum and rules annually.

[~~SUBCHAPTER C. PARTICIPATION IN PROGRAM BY CERTAIN SCHOOLS~~]

Sec. ~~264.756~~ [305.021]. FUNDING; EXPANSION OF PARTICIPATION [~~DESIGNATION OF PARTICIPATING SCHOOLS~~]. (a) The department [~~(b) To determine participation in the second year of the 1996-97 state fiscal biennium and subsequently, the state coordinator~~] shall develop and implement an equitable [a] formula for the funding of local Communities In [in] Schools programs. The formula may provide for the reduction of

~~[campuses that reduces, over a five-year period beginning September 1, 1996, the] funds annually contributed by the state to a local program by an amount not more [less] than 50 percent of the amount contributed by the state for [funding of the program in] the first year of the program [1996-97 state fiscal biennium]. The formula must consider the financial resources of individual communities and school districts. Savings accomplished through the implementation of the formula may be used to extend services to [participation in the program to additional campuses in] counties [or cities that are participating in the program] and municipalities currently not served by a local [to campuses in counties and cities that have not previously participated in the] program or to extend services to counties and municipalities currently served by an existing local program.~~

~~(b) [(c)] Each local Communities In [in] Schools program shall develop a [five-year] funding plan [for campuses located in the county or city that participate in the program under] which ensures that the level [levels] of services is [service to those campuses are] maintained if [as the proportion of] state funding is reduced.~~

~~(c) [(d)] A local Communities In [in] Schools program may accept federal funds, state funds, private contributions, grants, and public and school district funds to support a campus participating in the program.~~

Sec. 264.757 [305-022]. PARTICIPATION IN PROGRAM. An elementary or secondary school designated under Section 264.756 [305-021] shall participate in a local [the] Communities In [in] Schools program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least 10 percent of the number of students in average daily attendance at the school, as determined by the agency.

~~[SUBCHAPTER D. PROGRAM FUNDING]~~

Sec. 264.758 [305-031]. DONATIONS TO PROGRAM. (a) The department ~~[commission]~~ may accept a donation of services or money or other property that the department ~~[commission]~~ determines furthers the lawful objectives of the department ~~[commission]~~ in connection with the Communities In [in] Schools program.

~~(b) Each [Donations must be accepted in an open meeting by a majority of the voting members of the commission.—The] donation, with the name of the donor and the purpose of the donation, must be reported in the public records of the department [commission].~~

SECTION _____. Subsection (a), Section 302.021, Labor Code, is amended to read as follows:

(a) The following job-training, employment, and employment-related educational programs and functions are consolidated under the authority of the division:

- (1) adult education programs under Subchapter H, Chapter 29, Education Code;
- (2) proprietary school programs under Chapter 132, Education Code;
- (3) apprenticeship programs under Chapter 133, Education Code;
- (4) postsecondary vocational and technical job-training programs that are not a part of approved courses or programs that lead to licensing, certification, or an associate degree under Chapters 61, 130, and 135,

Education Code, Subchapter E, Chapter 88, Education Code, and Subchapter E, Chapter 96, Education Code;

(5) employment programs under Chapter 31, Human Resources Code;

(6) the senior citizens employment program under Chapter 101, Human Resources Code;

(7) the work and family policies program under Chapter 81;

(8) job-training programs funded under the Job Training Partnership Act (29 U.S.C. Section 1501 et seq.) and under the Workforce Investment Act of 1998 (29 U.S.C. Section 2801 et seq.);

(9) the job counseling program for displaced homemakers under Chapter 304;

~~(10) [the Communities in Schools program under Chapter 305;~~

~~[(11)] the reintegration of offenders program under Chapter 306;~~

~~(11) [(12)] the inmate employment counseling program under Section 499.051(f), Government Code;~~

~~(12) [(13)] the continuity of care program under Section 501.095, Government Code;~~

~~(13) [(14)] a literacy program from state, local, federal, and private funds available to the state for that purpose [~~under Section 481.026, Government Code~~];~~

~~(14) [(15)] the employment service;~~

~~(15) [(16)] the community service program under the National and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);~~

~~(16) [(17)] the trade adjustment assistance program under Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et seq.);~~

~~(17) education, employment, employment support, training services, activities and programs funded under Temporary Assistance for Needy Families (42 U.S.C. Section 601 et seq.) [(18) the Job Opportunities and Basic Skills program under Part F, Subchapter IV, Social Security Act (42 U.S.C. Section 682)];~~

~~(18) [(19)] the food stamp employment and training program authorized under 7 U.S.C. Section 2015(d); and~~

~~(19) [(20)] the functions of the State Occupational Information Coordinating Committee.~~

SECTION _____. Subsection (g), Section 302.062, Labor Code, is amended as follows:

(g) Block grant funding under this section does not apply to:

(1) the work and family policies program under Chapter 81;

(2) a program under the skills development fund created under Chapter 303;

(3) the job counseling program for displaced homemakers under Chapter 304;

(4) the Communities In [in] Schools program under Subchapter I, Chapter 264, Family Code, to the extent that funds are available to the commission for that program [~~Chapter 305~~];

(5) The reintegration of offenders program under Chapter 306;

(6) apprenticeship programs under Chapter 133, Education Code;

(7) [~~the inmate employment counseling program under Section 499.051(f), Government Code;~~

~~(8)~~ the continuity of care program under Section 501.095;
(8) ~~(9)~~ employment programs under Chapter 31, Human Resources Code;
(9) ~~(10)~~ the senior citizens employment program under Chapter 101, Human Resources Code;
(10) ~~(11)~~ the programs described by Section 302.021(b) (3);
(11) ~~(12)~~ the community service program under the National and Community Service Act of 1990 (42 U.S.C. Section 12501 et seq.);
(12) ~~(13)~~ the trade adjustment assistance program under Part 2, Subchapter II, Trade Act of 1974 (19 U.S.C. Section 2271 et seq.);
(13) ~~(14)~~ the programs to enhance the employment opportunities of veterans; and
(14) ~~(15)~~ the functions of the State Occupational Information Coordinating Committee.

Amendment No. 1 was adopted without objection.

SB 1574, as amended, was passed to third reading.

SB 354 ON SECOND READING
(McCall, Gray, and Bosse - House Sponsors)

SB 354, A bill to be entitled An Act relating to the continuation and functions of the Center for Rural Health Initiatives.

Amendment No. 1

Representative Gray offered the following amendment to **SB 354**:

Amend **SB 354** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS as appropriate:

SECTION _____. (a) The Center for Rural Health Initiatives shall conduct a study on the establishment of a visiting physician program to provide temporary relief to rural physicians. The study must include an assessment of:

(1) the need for and potential utilization of a visiting physician program;

(2) the methods to provide primary care on-site to patients in rural areas when a rural physician is away from the physician's practice for a short period of time to attend continuing medical education classes or for other reasons; and

(3) the factors required to implement a visiting physician program, including the required training for visiting physicians, insurance requirements, reimbursement for services and expenses, and other factors that would affect the successful implementation of the program.

(b) The Center for Rural Health Initiatives shall actively seek the participation of and relevant information from public medical schools, health science centers, professional physician associations, and practicing rural physicians.

(c) Not later than November 1, 2000, the Center for Rural Health Initiatives shall report the results of the study to the presiding officers of the

house of representatives and senate and to the standing committees of the house of representatives and senate that have primary jurisdiction over the Center for Rural Health Initiatives.

Amendment No. 1 was adopted without objection.

SB 354, as amended, was passed to third reading.

POSTPONED BUSINESS

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

HB 845 ON SECOND READING

(by Wilson)

HB 845, A bill to be entitled An Act relating to conflicts of interest of a lobbyist.

HB 845 was read second time earlier today and was postponed until this time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Wolens, Representative Wilson offered the following committee amendment to **HB 845**:

Amend **HB 845** by inserting, on page 3, between lines 16 and 17, the following:

(k) A registrant shall file with the commission a report describing each legislative document, including a bill or resolution, in regard to which a client has retained the registrant to communicate directly with a member of the legislative or executive branch to influence legislative action. The report must be filed not later than the third day after the date the legislative document is filed with a legislative body or, if the document is filed before the registrant is retained, not later than the third day after the registrant is retained. The registrant shall simultaneously notify each of the registrant's clients of any report the registrant is required to file. The report must describe:

(1) when the registrant was retained to communicate directly with a member of the legislative or executive branch to influence legislative action on the legislative document; and

(2) the client's stated purpose in retaining the registrant.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Culberson offered the following amendment to **HB 845**:

Amend **HB 845**, on page 1, line 7, between “represent” and “opposing parties”, insert “a school district or”

Amendment No. 2 was adopted without objection.

HB 845, as amended, was passed to engrossment.

CSHB 3457 ON SECOND READING
(by Hinojosa)

CSHB 3457, A bill to be entitled An Act relating to the renewal of certain bail bondsman licenses.

CSHB 3457 was read second time earlier today and was postponed until this time.

CSHB 3457 was passed to engrossment.

HB 2579 ON SECOND READING
(by S. Turner, et al.)

HB 2579, A bill to be entitled An Act relating to the liability of certain persons providing facilities or other property for use for certain after-school activities.

HB 2579 was read second time earlier today and was postponed until this time.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hope, Representative S. Turner offered the following committee amendment to **HB 2579**:

Amend **HB 2579**, Sec. 11.166 by the following:

On line 7 after the words "OFF-CAMPUS" delete the word "AFTER-"

On line 10 after the words "may be used for" insert the word "parking," and on lines 11 and 12 strike the words "after school hours"

On line 14 after the words "by the person for" strike the word "an after-" and insert the word "a"

On lines 23 and 24 after the words "other property for" strike "an after-" and insert the word "a" and renumber bill accordingly.

Amendment No. 1 was adopted without objection.

HB 2579, as amended, was passed to engrossment.

HB 670 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 670, A bill to be entitled An Act relating to providing, at no cost, medical records to Texas veterans for certain purposes.

On motion of Representative Wise, the house concurred in the senate amendments to **HB 670**.

Senate Committee Substitute

CSHB 670, A bill to be entitled An Act relating to providing, at no cost, medical records to Texas veterans for certain purposes.

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

SECTION 1. Section 161.202, Health and Safety Code, is amended to read as follows:

Sec. 161.202. FEES. (a) A health care provider or health care facility may not charge a fee for a medical or mental health record requested by a patient or former patient, or by an attorney or other authorized representative of the patient or former patient, for use in supporting an application for disability benefits or other benefits or assistance the patient or former patient may be eligible to receive based on that patient's or former patient's disability, or an appeal relating to denial of those benefits or assistance under:

- (1) Chapter 31, Human Resources Code;
- (2) the state Medicaid program;
- (3) Title II, the federal Social Security Act, as amended (42 U.S.C. Section 401 et seq.);
- (4) Title XVI, the federal Social Security Act, as amended (42 U.S.C. Section 1382 et seq.); ~~or~~
- (5) Title XVIII, the federal Social Security Act, as amended (42 U.S.C. Section 1395 et seq.);
- (6) 38 U.S.C. Section 1101 et seq., as amended; or
- (7) 38 U.S.C. Section 1501 et seq., as amended.

(b) A health care provider or health care facility may charge a fee for the medical or mental health record of a patient or former patient requested by a state or federal agency in relation to the patient or former patient's application for benefits or assistance under Subsection (a)[(1), (2), (3), or (4)] or an appeal relating to denial of those benefits or assistance.

(c) A person, including a state or federal agency, that requests a record under this section shall include with the request a statement or document from the department or agency that administers the issuance of the assistance or benefits that confirms the application or appeal.

(d) A health care provider or health facility is not required to provide more than one complete record for a patient or former patient requested under Subsection (a)(6) or (7) without charge. If additional material is added to the patient or former patient's record, on request the health care provider or health facility shall supplement the record provided under Subsection (a)(6) or (7) without charge. This subsection does not affect the ability of a person to receive a medical or mental health record under Subsections (a)(1)-(5).

SECTION 2. This Act takes effect September 1, 1999.

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

HB 1269 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1269, A bill to be entitled An Act relating to the mandatory detention of a juvenile for allegedly engaging in certain conduct.

On motion of Representative Goodman, the house concurred in the senate amendments to **HB 1269**.

Senate Committee Substitute

CSHB 1269, A bill to be entitled An Act relating to the mandatory detention of a juvenile for allegedly engaging in certain conduct.

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

SECTION 4. Section 53.02, Family Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(b) A child taken into custody may be detained prior to hearing on the petition only if:

(1) the child [he] is likely to abscond or be removed from the jurisdiction of the court;

(2) suitable supervision, care, or protection for the child [him] is not being provided by a parent, guardian, custodian, or other person;

(3) the child [he] has no parent, guardian, custodian, or other person able to return the child [him] to the court when required;

(4) the child [he] may be dangerous to himself or herself or the child [he] may threaten the safety of the public if released; ~~[or]~~

(5) the child [he] has previously been found to be a delinquent child or has previously been convicted of a penal offense punishable by a term in jail or prison and is likely to commit an offense if released; ~~or~~

(6) the child's detention is required under Subsection (f).

(f) A child who is alleged to have engaged in delinquent conduct and to have used, possessed, or exhibited a firearm, as defined by Section 46.01, Penal Code, in the commission of the offense shall be detained until the child is released at the direction of the judge of the juvenile court, a substitute judge authorized by Section 51.04(f), or a referee appointed under Section 51.04(g), including an oral direction by telephone, or until a detention hearing is held as required by Section 54.01.

SECTION 5. Sections 51.04(f) and (g), Family Code, are amended to read as follows:

(f) If the judge of the juvenile court or any alternate judge named under Subsection (b) or (c) ~~[of this section]~~ is not in the county or is otherwise unavailable, any magistrate may make a determination under Section 53.02(f) or may conduct the detention hearing provided for in Section 54.01 ~~[of this code]~~.

(g) The juvenile board, or if there is no juvenile board, the juvenile court, may appoint a referee to make determinations under Section 53.02(f) or to conduct hearings under this title ~~[and in accordance with Section 54.10 of this code]~~. The referee shall be an attorney licensed to practice law in this state and shall comply with Section 54.10. Payment of any referee services shall be provided from county funds.

SECTION 6. Section 51.12, Family Code, as amended by Chapters 772 and 1374, Acts of the 75th Legislature, Regular Session, 1997, is amended and reenacted to read as follows:

Sec. 51.12. PLACE AND CONDITIONS OF DETENTION. (a) Except as provided by Subsection (h), a child may be detained only in a:

(1) juvenile processing office in compliance with Section 52.025;

(2) place of nonsecure custody in compliance with Section 52.027;

(3) certified juvenile detention facility that complies with the requirements of Subsection (f); ~~[or]~~

- (4) secure detention facility as provided by Subsection (j); or
(5) county jail or other facility as provided by Subsection (l) [(†)].

(b) The proper authorities in each county shall provide a suitable place of detention for children who are parties to proceedings under this title, but the juvenile court shall control the conditions and terms of detention and detention supervision and shall permit visitation with the child at all reasonable times.

(c) In each county, each judge of the juvenile court and the members of the juvenile board shall personally inspect the juvenile pre-adjudication secure detention facilities and any public or private juvenile secure correctional facilities used for post-adjudication confinement that are located in the county and operated under authority of the juvenile board at least annually and shall certify in writing to the authorities responsible for operating and giving financial support to the facilities and to the Texas Juvenile Probation Commission that they are suitable or unsuitable for the detention of children in accordance with:

(1) the requirements of Subsections (a), (f), and (g); and

(2) minimum professional standards for the detention of children in pre-adjudication or post-adjudication secure confinement promulgated by the Texas Juvenile Probation Commission or, at the election of the juvenile board, the current standards promulgated by the American Correctional Association.

(d) Except as provided by Subsections (j) and (l) [~~Subsection (†)~~], a child may not be placed in a facility that has not been certified under Subsection (c) as suitable for the detention of children and registered under Subsection (i) [~~of this section~~]. Except as provided by Subsections (j) and (l) [~~Subsection (†)~~], a child detained in a facility that has not been certified under Subsection (c) as suitable for the detention of children or that has not been registered under Subsection (i) [~~of this section~~] shall be entitled to immediate release from custody in that facility.

(e) If there is no certified place of detention in the county in which the petition is filed, the designated place of detention may be in another county.

(f) A child detained in a building that contains a jail, lockup, or other place of secure confinement, including an alcohol or other drug treatment facility, shall be separated by sight and sound from adults detained in the same building. Children and adults are separated by sight and sound only if they are unable to see each other and conversation between them is not possible. The separation must extend to all areas of the facility, including sally ports and passageways, and those areas used for admission, counseling, sleeping, toileting, showering, dining, recreational, educational, or vocational activities, and health care. The separation may be accomplished through architectural design.

(g) Except for a child detained in a juvenile processing office, a place of nonsecure custody, ~~or~~ a secure detention facility as provided by Subsection (j), or a facility as provided by Subsection (l) [(†)], a child detained in a building that contains a jail or lockup may not have any contact with:

(1) part-time or full-time security staff, including management, who have contact with adults detained in the same building; or

(2) direct-care staff who have contact with adults detained in the same building.

(h) This section does not apply to a person:

(1) after transfer to criminal court for prosecution under Section 54.02; or

(2) who is at least 18 years of age and who has been taken into custody after having:

(A) escaped from a juvenile facility; or

(B) violated a condition of probation or of release under supervision of the Texas Youth Commission.

(i) Except for a facility operated or certified by the Texas Youth Commission or a facility as provided by Subsection (l), a governmental unit or private entity that operates or contracts for the operation of a juvenile pre-adjudication secure detention facility or a juvenile post-adjudication secure correctional facility in this state shall:

(1) register the facility annually with the Texas Juvenile Probation Commission; and

(2) adhere to all applicable minimum standards for the facility.

(j) [(†)] After being taken into custody, a child may be detained in a secure detention facility until the child is released under Section 53.01, 53.012, or 53.02 or until a detention hearing is held under Section 54.01(a), regardless of whether the facility has been certified under Subsection (c), if:

(1) a certified juvenile detention facility is not available in the county in which the child is taken into custody;

(2) the detention facility complies with:

(A) the short-term detention standards adopted by the Texas Juvenile Probation Commission; and

(B) the requirements of Subsection (f); and

(3) the detention facility has been designated by the county juvenile board for the county in which the facility is located.

(k) [(†)] If a child who is detained under Subsection (j) or (l) [(†)] is not released from detention at the conclusion of the detention hearing for a reason stated in Section 54.01(e), the child may be detained after the hearing only in a certified juvenile detention facility.

(l) A child who is taken into custody and required to be detained under Section 53.02(f) may be detained in a county jail or other facility until the child is released under Section 53.02(f) or until a detention hearing is held as required by Section 54.01(p), regardless of whether the facility complies with the requirements of this section, if:

(1) a certified juvenile detention facility or a secure detention facility described by Subsection (j) is not available in the county in which the child is taken into custody or in an adjacent county;

(2) the facility has been designated by the county juvenile board for the county in which the facility is located;

(3) the child is separated by sight and sound from adults detained in the same facility through architectural design or time-phasing;

(4) the child does not have any contact with management or direct-care staff that has contact with adults detained in the same facility on the same work shift;

(5) the county in which the child is taken into custody is not located in a metropolitan statistical area as designated by the United States Bureau of the Census; and

(6) each judge of the juvenile court and the members of the juvenile board of the county in which the child is taken into custody have personally inspected the facility at least annually and have certified in writing to the Texas Juvenile Probation Commission that the facility complies with the requirements of Subdivisions (3) and (4).

SECTION 7. Section 54.01, Family Code, is amended by amending Subsection (a) and adding Subsection (p) to read as follows:

(a) Except as provided by Subsection (p), if [H] the child is not released under Section 53.02 [of this code], a detention hearing without a jury shall be held promptly, but not later than the second working day after the child [he] is taken into custody; provided, however, that when a child is detained on a Friday or Saturday, then such detention hearing shall be held on the first working day after the child is taken into custody.

(p) If a child is detained in a county jail or other facility as provided by Section 51.12(l) and the child is not released under Section 53.02(f), a detention hearing without a jury shall be held promptly, but not later than the 24th hour, excluding weekends and holidays, after the time the child is taken into custody.

SECTION 8. Section 54.10, Family Code, is amended to read as follows:

Sec. 54.10. HEARINGS BEFORE REFEREE. (a) Except as provided by Subsection (e) [~~e~~ of this section], the hearing provided in Sections 54.01, 54.03, 54.04, and 54.05 [~~of this code~~] and the hearing provided in Article IV, Article V, and Article VI of the Uniform Interstate Compact on Juveniles (Chapter 25 [~~of this code~~]) may be held by a referee appointed in accordance with Section 51.04(g) [~~of this code~~] provided:

(1) the parties have been informed by the referee that they are entitled to have the hearing before the juvenile court judge or in the case of a detention hearing provided for in Section 54.01 [~~of this code~~], a substitute judge as authorized by Section 51.04(f) [~~of this code~~]; or

(2) the child and the attorney for the child have in accordance with the requirements of Section 51.09 [~~of this code~~] waived the right to have the hearing before the juvenile court judge or substitute judge.

(b) The determination under Section 53.02(f) whether to release a child may be made by a referee appointed in accordance with Section 51.04(g) if:

(1) the child has been informed by the referee that the child is entitled to have the determination made by the juvenile court judge or a substitute judge authorized by Section 51.04(f); or

(2) the child and the attorney for the child have in accordance with Section 51.09 waived the right to have the determination made by the juvenile court judge or a substitute judge.

(c) If a child objects to a referee making the determination under Section 53.02(f), the juvenile court judge or a substitute judge authorized by Section 51.04(f) shall make the determination.

(d) At the conclusion of the hearing or immediately after making the determination, the referee shall transmit written findings and recommendations to the juvenile court judge. The juvenile court judge shall adopt, modify,

or reject the referee's recommendations not later than the next working day after the day that the judge receives the recommendations. Failure to act within that time results in release of the child by operation of law and a recommendation that the child be released operates to secure the child's [his] immediate release subject to the power of the juvenile court judge to modify or reject that recommendation.

(e) [(e)] The hearings provided by Sections 54.03, 54.04, and 54.05 [~~of this code~~] may not be held before a referee if the grand jury has approved of the petition and the child is subject to a determinate sentence.

SECTION 9. (a) The change in law made by this Act applies only to conduct that occurs on or after the effective date of this Act. Conduct violating a penal law of the state occurs on or after the effective date of this Act if every element of the violation occurs on or after that date.

(b) Conduct that occurs before the effective date of this Act is covered by the law in effect at the time the conduct occurred, and the former law is continued in effect for that purpose.

SECTION 10. This Act takes effect September 1, 1999.

SECTION 11. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HB 1355 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1355, A bill to be entitled An Act relating to the adoption of the Red River Boundary Compact.

On motion of Representative Ramsay, the house concurred in the senate amendments to **HB 1355** by (Record 281): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; 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; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; 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 — Davis, J.; Gutierrez; Janek; Jones, C.; Smithee.

Absent — Alvarado; Bosse.

Senate Committee Substitute

CSHB 1355, A bill to be entitled An Act relating to the adoption of the Red River Boundary Compact.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 12. Subtitle A, Title 2, Natural Resources Code, is amended by adding Chapter 12 to read as follows:

CHAPTER 12. RED RIVER BOUNDARY COMPACT

Sec. 12.001. ADOPTION OF COMPACT. This state enacts the Red River Boundary Compact into law and enters into the compact with the State of Oklahoma if that state legally joins in the compact in substantially the form provided by Section 12.002.

Sec. 12.002. TEXT OF COMPACT. The Red River Boundary Compact reads as follows:

RED RIVER BOUNDARY COMPACT

ARTICLE I. PURPOSE

(a) The states of Texas and Oklahoma recognize that:

(1) there are actual and potential disputes, controversies, criminal proceedings, and litigation arising, or that may arise, out of the location of the boundary line between the states along the Red River;

(2) the south bank of the Red River is the boundary between the states along the Red River;

(3) the boundary between the states changes as a result of the natural action of the river and, because of those changes and the nature of the land, the south bank of the river is often not readily or easily identified;

(4) while the south bank, at any given time, may be located through expensive and time-consuming survey techniques, such surveys can, at best, identify the south bank only as it exists at the time of the survey;

(5) locating the south bank through survey techniques is of minimal aid when agencies of the party states must locate the state boundary line for law enforcement, administrative, and taxation purposes; and

(6) the interests of the party states are better served by establishing the boundary between the states through use of a readily identifiable natural landmark than through use of an artificial survey line.

(b) It is the principal purpose of the party states in entering into this compact to establish an identifiable boundary between the states of Texas and Oklahoma along the Red River as of the effective date of this compact without interfering with or otherwise affecting private property rights or title to property. In addition, this compact serves the compelling purposes of:

(1) creation of a friendly and harmonious interstate relationship;

(2) avoidance of multiple exercise of sovereignty and jurisdiction.

including matters of taxation, judicial and police powers, and exercise of administrative authority;

(3) avoidance of lack of exercise of sovereignty and jurisdiction over any lands along the boundary;

(4) avoidance of questions of venue in civil and criminal proceedings that may arise as a result of incidents along the boundary and avoidance or minimization of future disputes and litigation;

(5) promotion of economic and political stability; and

(6) placement of the boundary at a location that can be visually identified or located without the necessity of a current survey and that is close to the historical boundary location.

ARTICLE II. ESTABLISHMENT OF BOUNDARY

(a) In this article:

(1) "Vegetation" means trees, shrubs, grasses, and other plant species that substantially cover the ground. Whether the vegetation substantially covers the ground is determined by reference to the density of the coverage of the ground by trees, shrubs, grasses, and other plant species in the area adjacent to the relevant portion of the riverbed.

(2) "Vegetation line" means the visually identifiable continuous line of vegetation that is adjacent to that portion of the riverbed kept practically bare of vegetation by the natural flow of the river and is continuous with the vegetation beyond the riverbed. Stray vegetation, patches of vegetation, or islands of vegetation within the riverbed that do not form such a line are not considered part of the vegetation line. Where the riverbed is entered by the inflow of another watercourse or is otherwise interrupted or disturbed by a man-made event, the line constituting the boundary is an artificial line formed by extending the vegetation line above and below the other watercourse or interrupted or disturbed area to connect and cross the watercourse or area.

(b) The permanent political boundary line between the states of Texas and Oklahoma along the Red River is the vegetation line along the south bank of the Red River except for the Texoma area, where the boundary does not change. For purposes of this compact:

(1) the Texoma area extends from the east bank of Shawnee Creek (which flows into the Red River from the south approximately one-half mile below the Denison Dam) at its mouth to the upper end of the normal pool elevation of Lake Texoma (which is 617 feet); and

(2) the upper end of the normal pool elevation of Lake Texoma is along the latitude of 33 degrees 54 minutes as it crosses the watercourse at the approximate location of longitude 96 degrees 59 minutes.

(c) The party states agree that the existing boundary within the Texoma area begins at the intersection of the vegetation line on the south bank of the Red River with the east bank of Shawnee Creek. From this point, the boundary extends west along the south bank of the Red River as the bank existed immediately before the commencement of the construction of Lake Texoma. From Shawnee Creek to Denison Dam, this boundary line is within the current channel of the Red River. Within Lake Texoma, this boundary line follows the south bank of the Red River as the bank was located and marked by the United States Army Corps of Engineers before the commencement of the construction of Lake Texoma.

(d) Within one year after the date the United States Congress consents to this compact, the Commissioner of the General Land Office of Texas and a designated member of the Oklahoma Red River Boundary Commission shall:

(1) locate the boundary line within the Texoma area as described by Subsection (c), using the survey that the United States Army Corps of Engineers prepared in connection with the construction of Lake Texoma and any other surveys, historical maps, or other information that may be available;

(2) prepare a map of the boundary line; and

(3) file the map in the state library and archives of each party state and with the Oklahoma Secretary of State, after which the map will be a part of this compact.

(e) Within one year after the date the map is filed under Subsection (d)(3), the United States Army Corps of Engineers shall permanently mark the boundary line within the Texoma area as shown on the map. The United States Army Corps of Engineers shall maintain the markers annually, or more frequently if necessary.

(f) The party states may:

(1) agree to equally share the cost of monumenting and maintaining the lines demarking both the boundary within the Texoma area and the upper limit of the normal pool elevation in a manner designed to make the boundary readily identifiable to the using public; or

(2) seek funding from other sources for monumenting and maintaining the lines.

(g) Should there be a change in the watercourse of the Red River, the party states recognize the rules of accretion, erosion, and avulsion. The states agree that accretion or erosion may cause a change in the boundary between the states if it causes a change in the vegetation line. With regard to avulsion, the states agree that a change in the course of the Red River caused by an immediately perceivable natural event that changes the vegetation line will change the location of the boundary between the states.

ARTICLE III. SOVEREIGNTY

On the effective date of this compact, the party states agree that the State of Oklahoma possesses sovereignty over all lands north of the boundary line established by this compact and that the State of Texas possesses sovereignty over all lands south of the boundary line established by this compact. This compact does not change or affect in any manner the sovereignty rights of federally recognized Indian tribes over lands on either side of the boundary line established by this compact. Tribal sovereignty rights continue to be established and defined by controlling federal law.

ARTICLE IV. PENDING LITIGATION

This compact does not affect the jurisdiction of any litigation concerning the title to any of the lands bordering the Red River pending in the courts of either of the party states or the United States as of the effective date of this compact. The states intend that such litigation, if any, continue in the trial and appellate courts of the jurisdiction where pending, until the litigation is finally determined.

ARTICLE V. PUBLIC RECORDS

(a) All public records in either party state concerning any lands the sovereignty over which is changed by this compact are accepted as evidence of record title to such lands, to and including the effective date of this compact, by the courts of the other state and the federal courts.

(b) As to lands the sovereignty over which is changed by this compact, the recording officials of the counties of each party state shall accept for filing certified copies of documents of title previously filed in the other state and documents of title using legal descriptions derived from the land descriptions of the other state. The acceptance of a document for filing has no bearing on its legal effect or sufficiency. The legal sufficiency of a document's form, execution, and acknowledgments, and the document's ability to convey or otherwise affect title, are determined by the document itself and the real estate laws of the jurisdiction in which the land was located at the time the document was executed or took effect.

ARTICLE VI. TAXES

(a) Except as provided by Subsections (b) and (c), the lands the sovereignty over which is changed by this compact are, after the effective date of this compact, subject to taxation only by the state gaining sovereignty over the lands by this compact.

(b) Taxes for the year of adoption of this compact for property the jurisdiction over which is changed by this compact may be lawfully imposed only by the state in which the property was located on January 1 of the year of adoption of this compact. The taxes for the year of adoption may be levied and collected by that state or its authorized governmental subdivisions or agencies, and any liens or other rights accrued or accruing, including the right of collection, are fully recognized, except that all liens or other rights arising out of the imposition of those taxes must be claimed or asserted within five years after this compact takes effect or they are barred.

(c) The party states recognize that the boundary between the states will change from time to time as a result of the natural actions of accretion, erosion, and avulsion and agree that for years subsequent to the year of adoption of this compact, the state within which lands adjoining the boundary line are located on January 1 of each year has the right to levy and collect taxes for the entire ensuing year.

(d) All taxes currently assessed by governmental entities in each party state as to lands that border or cross the boundary line established by this compact are presumed to be correct as to acreage within the particular jurisdiction, absent competent proof to the contrary presented in writing by the property owner or owners to the appropriate taxing agencies. All such proof must be presented to the appropriate taxing agencies before May 1 of the year following the year in which this compact takes effect. In subsequent years it is presumed that the acreage taxed in each jurisdiction for the previous year was correct unless evidence of change is furnished to or obtained by the various taxing agencies under rules and regulations adopted by those taxing agencies.

ARTICLE VII. PROPERTY AND WATER RIGHTS

This compact does not change:

(1) the title of any person or entity, public or private, to any of the lands adjacent to the Red River;

(2) the rights, including riparian rights, of any person or entity, public or private, that exist as a result of the person's or entity's title to lands adjacent to the Red River; or

(3) the boundaries of those lands.

ARTICLE VIII. EFFECTIVE DATE

This compact takes effect when enacted by the states of Texas and Oklahoma and consented to by the United States Congress.

ARTICLE IX. ENFORCEMENT

(a) This compact does not limit or prevent either party state from instituting or maintaining any action or proceeding, legal or equitable, in any court having jurisdiction, for the protection of any right under this compact or the enforcement of any of its provisions.

(b) This compact is not binding or obligatory on either party state unless and until it has been enacted by both states and consented to by the United States Congress. Notice of enactment of this compact by each state shall be given by the governor of that state to the governor of the other state and to the president of the United States. The president is requested to give notice to the governors of the party states of the consent to this compact by the United States Congress.

ARTICLE X. AMENDMENTS

This compact remains in full force and effect unless amended in the same manner as it was created.

Sec. 12.003. NEGOTIATIONS TO RESOLVE DIFFERENCES. (a) Until the State of Oklahoma enters into the Red River Boundary Compact in substantially the form provided by Section 12.002, the Commissioner of the General Land Office has the authority to negotiate with the appropriate Oklahoma representative to resolve any differences between the states of Texas and Oklahoma regarding matters covered by the compact. The commissioner shall conduct the negotiations in cooperation with the Red River Boundary Commission created by H.C.R. No. 128, Acts of the 74th Legislature, Regular Session, 1995.

(b) The Commissioner of the General Land Office shall report annually to the governor of this state, or more frequently if necessary, on the status of the negotiations.

Sec. 12.004. IMPLEMENTATION OF COMPACT. (a) If the State of Oklahoma enters into the Red River Boundary Compact in substantially the form provided by Section 12.002, the Commissioner of the General Land Office has the authority to negotiate with the appropriate Oklahoma representative to establish procedures for implementing the compact's provisions. The commissioner shall conduct the negotiations in cooperation with the Red River Boundary Commission.

(b) The Commissioner of the General Land Office shall report annually to the governor of this state, or more frequently if necessary, on the status of the negotiations.

(c) A procedure for implementing a provision of the compact must be approved by the governor of this state.

Sec. 12.005. RELATION TO OTHER LAW. The Red River Boundary Compact does not affect:

(1) the Red River Compact, the text of which is set out in Section 46.013, Water Code; or

(2) the riparian rights of adjacent landowners to access and use the waters of the Red River as provided by the Treaty of Amity, Settlement and Limits, Feb. 22, 1819, United States-Spain, 8 Stat. 252, T.S. No. 327.

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

Senate Amendment No. 1

Amend **CSHB 1355** as follows:

In SECTION 1 of the bill, Section 12.005 of the Red River Boundary Compact, on page 5 line 1, add the words "AND LITIGATION" after the word "LAW" and before the period.

On page 5, line 9, delete the period and replace it with "; or"

On page 5 line 9, add a new subsection (3) to read as follows:

(3) litigation pending in either state involving title to land or boundaries of rivers or water bodies of that state.

HB 2085 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 2085, A bill to be entitled An Act relating to the continuation and functions of the Texas Board and Department of Health, including the operation of certain boards and councils administratively attached to the department; providing administrative penalties.

Representative McCall moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2085**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2085**: McCall, chair, Gray, Bosse, Glaze, and Hilderbran.

SB 507 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative West, the house granted the request of the senate for the appointment of a conference committee on **SB 507**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 507**: West, chair, Carter, Clark, Ehrhardt, and Hodge.

SB 167 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Goolsby submitted the conference committee report on **SB 167**.

Representative Goolsby moved to adopt the conference committee report on **SB 167**.

The motion prevailed. (Hamric, Keel, Shields, and Talton recorded voting no)

SB 167 - REASONS FOR VOTE

The will of the house was overridden by the senate stripping amendments off that the house favored.

Hamric

The senate bills stripped the house floor amendments and thus the house should not have adopted the conference committee report.

Keel

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

With no objection, bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

HB 3155 - RULE SUSPENDED

Representative Goolsby moved to suspend House Rule 12, Section 1 (a) (2) to enable the senate amendments for **HB 3155** to be printed and distributed without the text of the engrossed bill.

**HR 889 - ADOPTED
(by Hardcastle)**

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 889**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 889, Congratulating the 1998 Vernon High School track team.

HR 889 was adopted without objection.

**HCR 264 - ADOPTED
(by Gray)**

Representative Gray moved to suspend all necessary rules to take up and consider at this time **HCR 264**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 264

WHEREAS, House Bill No. 1402 has been adopted by the house of representatives and the senate; and

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

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to correct House Bill No. 1402 in SECTION 22 of the bill, as added by Senate Committee Amendment No. 1, by striking "111.058" wherever it occurs and substituting "111.0581".

HCR 264 was adopted without objection.

HR 898 - ADOPTED
(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 898**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 898, Recognizing May 7, 1999, as Kenneth White Junior High School Day.

HR 898 was adopted without objection.

HCR 270 - ADOPTED
(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HCR 270**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 270, Proclaiming May 10-14, 1999, as Public School Paraprofessional Week in Texas.

HCR 270 was adopted without objection.

HR 900 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 900**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 900, Honoring Helen Ruth Hall on her retirement after 45 years of teaching.

HR 900 was adopted without objection.

HR 899 - ADOPTED
(by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 899**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 899, Paying tribute to the life of Dominic “Nick” De La Cruz.

HR 899 was unanimously adopted by a rising vote.

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).

RULES SUSPENDED

Representative Junell moved to suspend the 5-day posting rule to allow the Committee on Appropriations to consider **HB 195** on recess at the chairman’s desk.

The motion prevailed without objection.

Representative Haggerty moved to suspend the 5-day posting rule to allow the Committee on Corrections to consider **SB 29**, and **SB 1650** in E2.010 tomorrow.

The motion prevailed without objection.

Representative Gray moved to suspend the 5-day posting rule to allow the Committee on Public Health to meet at 8:30 a.m. on Thursday, May 13, in room E2.030 to consider senate bills. This will be a public hearing.

The motion prevailed without objection.

Representative Carter moved to suspend the 5-day posting rule to allow the Committee on Urban Affairs to consider **SB 621**.

The motion prevailed without objection.

Representative Counts moved to suspend the 5-day posting rule to allow the Committee on Natural Resources to consider **HB 3853**, **SB 1171**, **SB 1277**, **HB 1665**, and **HB 1877**.

The motion prevailed without objection.

Representative Gray moved to suspend all necessary rules to allow the Committee on Public Health to meet at Desk 6 at 9:15 a.m. tomorrow for a formal meeting to consider pending senate bills.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation, on recess today, Desk 25, for a formal meeting.

Environmental Regulation, on recess today, Desk 98, for a formal meeting, to consider pending business.

Agriculture and Livestock, on recess today, Desk 108, for a formal meeting, to consider **SB 705**.

Calendars, on recess today, speakers committee room, for a formal meeting, to consider the calendar.

Financial Institutions, on recess today, Desk 26, for a formal meeting, to consider pending business.

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

Judicial Affairs, on recess today, Desk 67, for a formal meeting, to consider **HB 3829**, **SB 1187** and **SB 1229**.

Economic Development, on recess today, Desk 124, for a formal meeting, to consider pending business.

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

Local and Consent Calendars, 10 minutes after recess today, speakers committee room, for a formal meeting.

Ways and Means, on recess today, Desk 61, for a formal meeting, to consider pending bills.

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

Pensions and Investments, on recess today, Desk 111, for a formal meeting, to consider **HB 2521** and **SB 1128**.

RECESS

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

The motion prevailed without objection.

The house accordingly, at 6:20 p.m., recessed 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

HB 3855 (by Farabee), Relating to the jurisdiction of a county court at law in Wichita County.

To Judicial Affairs.

SB 329 to Ways & Means.

SB 659 to Corrections.

SB 694 to Ways & Means.

SB 875 to Public Education.

SB 983 to Public Health.

SB 1207 to Public Health.

SB 1364 to Elections.

SB 1520 to Financial Institutions.

SB 1890 to Natural Resources.

SCR 68 to Natural Resources.

SIGNED BY THE SPEAKER

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

House List No. 45

HB 1174, HB 1209, HB 1254, HB 1373, HB 2067, HB 2719, HB 3561, HCR 245

Senate List No. 24

SB 254, SB 422, SB 494, SB 691, SB 769, SB 891, SB 1307, SB 1558, SB 1755, SJR 16

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

Monday, May 10, 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:

LOCAL AND UNCONTESTED CALENDAR

HB 88

Gutierrez

SPONSOR: Duncan

Relating to permitting a county to donate money to certain crime prevention organizations.

- HB 152** Pickett SPONSOR: Shapleigh
Relating to the punishment for the offense of graffiti.
- HB 234** Keel SPONSOR: Wentworth
Relating to making certain affidavits required for the issuance of search warrants available for public inspection.
- HB 264** Hochberg SPONSOR: Cain
Relating to a change of beneficiary by a retiree of the Employees Retirement System of Texas.
- HB 436** Turner, Bob SPONSOR: Duncan
Relating to the criminal offense of trespass on agricultural lands.
- HB 510** Hartnett SPONSOR: Cain
Relating to the composition of the Commission on Uniform State Laws.
- HB 525** McReynolds SPONSOR: Nixon, Drew
Relating to granting limited state law enforcement authority to special agents and law enforcement officers of the United States Forest Service.
- HB 592** Goolsby SPONSOR: Armbrister
Relating to a background check of a person who applies for certification as a qualified handgun instructor.
- HB 605** Greenberg SPONSOR: Armbrister
Relating to reports regarding a missing child or missing person and to the responsibility of local law enforcement to investigate certain missing person reports; creating an offense.
- HB 614** George SPONSOR: Carona
Relating to the acceptance of gifts, grants, donations, bequests, and devises by a county.
- HB 788** Capelo SPONSOR: Whitmire
Relating to the electronic transmission of certain information to the Texas Department of Criminal Justice.
- HB 822** Maxey SPONSOR: Cain
Relating to the creation of a task force composed of state and county representatives to study federal reimbursements to counties.
(COMMITTEE SUBSTITUTE)
- HB 833** Denny SPONSOR: Shapiro
Relating to the filing of an application for a place on the general primary election ballot.
- HB 854** Capelo SPONSOR: Armbrister
Relating to the identification of certain persons confined by the Texas Department of Criminal Justice who are subject to a warrant.
(COMMITTEE SUBSTITUTE)
- HB 875** Maxey SPONSOR: Zaffirini
Relating to increasing collections for cases of fraud in the Medicaid, financial assistance, and food stamp programs.
(COMMITTEE SUBSTITUTE)

- HB 888** Gray SPONSOR: Jackson
Relating to graduate level instruction at Texas A&M University at Galveston.
- HB 924** Craddick SPONSOR: Bivins
Relating to the offense of operation of a vehicle with an expired license plate.
- HB 1037** Junell SPONSOR: Fraser
Relating to the appraisal for ad valorem tax purposes of property located in more than one appraisal district.
(AMENDED)
- HB 1074** Krusee SPONSOR: Wentworth
Relating to public notification of certain accidental discharges or spills into water.
- HB 1110** Smith SPONSOR: Ellis, Rodney
Relating to the requirements for notice of violations of certain municipal ordinances.
(AMENDED)
- HB 1121** Counts SPONSOR: Duncan
Relating to the law enforcement authority of certain investigators acting outside their county of jurisdiction.
- HB 1149** Naishtat SPONSOR: Jackson
Relating to the ability of tenant representatives to serve a certain number of consecutive terms as commissioners of local housing authorities.
- HB 1173** Yarbrough SPONSOR: Brown, J. E. "Buster"
Relating to a firefighters' relief and retirement fund in certain municipalities.
- HB 1362** Clark SPONSOR: Ogden
Relating to the selection of appraisers for the determination of compensation paid to certain retail public utilities.
(COMMITTEE SUBSTITUTE)
- HB 1400** Gray SPONSOR: Zaffirini
Relating to the continuation and functions of the Texas Commission for the Blind.
(COMMITTEE SUBSTITUTE)
- HB 1413** Ehrhardt SPONSOR: Carona
Relating to the sale of land by a municipality to organizations providing housing for low-income families and individuals.
- HB 1437** Krusee SPONSOR: Ogden
Relating to the powers of the Lower Colorado River Authority to provide water services in Williamson County.
(COMMITTEE SUBSTITUTE)
- HB 1495** Alexander SPONSOR: Nixon, Drew
Relating to eligibility for appointment to the board of a rural fire prevention district.

- HB 1506** McCall SPONSOR: Shapiro
Relating to the disposal of surplus county property.
(AMENDED)
- HB 1514** Maxey SPONSOR: Zaffirini
Relating to implementation of certain procedures to ensure accuracy of
medical assistance eligibility lists.
(COMMITTEE SUBSTITUTE)
- HB 1539** Pitts SPONSOR: Nelson
Relating to validating certain conveyances of land formerly used for the
superconducting super collider research facility.
- HB 1744** Noriega SPONSOR: Gallegos
Relating to additional equipment requirements for school buses.
(COMMITTEE SUBSTITUTE)
- HB 1985** Lewis, Ron SPONSOR: Armbrister
Relating to recovery of certain relocation costs by a gas utility.
- HB 2025** Pickett SPONSOR: Shapleigh
Relating to the establishment and operation of the Border Health Institute.
(COMMITTEE SUBSTITUTE)
- HB 2122** Kuempel SPONSOR: Wentworth
Relating to competitive bid requirements for certain emergency services
districts.
- HB 2181** Coleman SPONSOR: Ellis, Rodney
Relating to authorizing a recreational and wellness facility fee at the
University of Houston.
- HB 2332** Lewis, Ron SPONSOR: Armbrister
Relating to the administration and consolidation of drainage districts.
- HB 2398** Carter SPONSOR: Carona
Relating to funding the housing trust fund.
- HB 2442** Goodman SPONSOR: Wentworth
Relating to the administration and funding of a premarital education
handbook and certain marital education courses.
- HB 2465** Cook SPONSOR: Armbrister
Relating to the powers of a limited liability company.
- HB 2932** Cook SPONSOR: Wentworth
Relating to the designation of water quality protection zones in certain areas.
- HB 3155** Wolens SPONSOR: Harris
Relating to the adoption of a nonsubstantive revision of statutes relating to
the licensing and regulation of certain professions and business practices
including conforming amendments, repeals, and penalties.
(AMENDED)
- HB 3157** Wolens SPONSOR: Harris
Relating to the adoption of a nonsubstantive revision of statutes relating to
public securities, including conforming amendments, repeals, and penalties.

- HB 3271** Goodman SPONSOR: Harris
Relating to the coordination of child support collection and parent location functions of certain state agencies.
- HB 3319** Cuellar SPONSOR: Bivins
Relating to the approval of certain construction projects by the Texas Higher Education Coordinating Board.
- HB 3591** Keel SPONSOR: Wentworth
Relating to the addition of land to a defined area of a water control and improvement district.
- HB 3790** McClendon SPONSOR: Madla
Relating to the ability of an employee of a public housing authority to participate in certain contracts or agreements for housing assistance.
- HCR 23** Clark SPONSOR: Haywood
Requesting the United States Fish and Wildlife Service to consider the economic impact of the double-crested cormorant on sport fishing.
- HCR 31** Brown, Betty SPONSOR: Cain
Proclaiming Commerce the Official Bois d'Arc Capital of Texas.
- HCR 179** Green SPONSOR: Armbrister
Declaring Gonzales to be the "Lexington of Texas."
- SB 329** Haywood
Relating to the date on which certain tax payments are due.
- SB 659** Cain
Relating to authorizing certain state agencies and state employees to participate in charitable activities.
- SB 694** Cain
Relating to the written notice of the appraised value of property for ad valorem tax purposes delivered by a chief appraiser to the property owner.
- SB 875** Shapiro
Relating to the financial accountability of school districts.
- SB 983** Madla
Relating to a branch office of a home health or personal assistance services agency.
- SB 1207** Cain
Relating to the Texas State Board of Medical Examiners and the licensure of physicians; appropriating fees and providing penalties.
- SB 1364** Harris
Relating to out-of-state political committees.
- SB 1520** Madla
Relating to the authority of certain cities, counties, districts, authorities, agencies, and nonprofit corporations to enter into lease-leaseback transactions.

SB 1890 Madla
Relating to voter eligibility in Maverick County Water Control and Improvement District No. 1.

SCR 68 Armbrister
Creating a interim study committee to coordinate emergency efforts during floods and other natural disasters.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 10, 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:

HB 381 Flores SPONSOR: Truan
Relating to rights of survivorship transfer of a motor vehicle or manufactured home.
(COMMITTEE SUBSTITUTE)

HB 565 Oliveira SPONSOR: Lucio
Relating to the use of state research and technology funds on environmental issues in the border region.

HB 1376 Bosse SPONSOR: Carona
Relating to the notice provided to an owner of a vehicle towed to a vehicle storage facility.
(AMENDED)

HB 1462 Dunnam SPONSOR: Shapiro
Relating to the notification of certain persons of the marriage of the person's former spouse.
(AMENDED)

HCR 21 Averitt SPONSOR: Sibley
Congratulating Roy A. Roberts on the occasion of his retirement from the Brazos River Authority.

HCR 51 Dutton SPONSOR: Bivins
Honoring Dr. Jack Christie for his fine work for the State Board of Education.

HCR 208 Green SPONSOR: Shapiro
Honoring Zig Ziglar.

HCR 255 Davis, John SPONSOR: Jackson
Designating May 17-22, 1999, as United Kingdom Trade Mission to Clear Lake Week in Texas.

HCR 262 West, George "Buddy" SPONSOR: Brown, J. E. "Buster"
Honoring Julie MacLemore for her service to the Presbytery of New Covenant.

HCR 263 Najera SPONSOR: Shapleigh
Recognizing May 7, 1999, as Kids Day in El Paso.

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

SB 184 (29 Yeas, 0 Nays)

SB 744 (28 Yeas, 0 Nays)

SB 894 (viva-voce vote)

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

SB 1129

Senate Conferees: Armbrister - Chair/Brown, J. E. "Buster"/Lindsay/Lucio/Madla

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Monday, May 10, 1999 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 168 Armbrister
Relating to the provision of electric transmission services by a river authority.

SB 229 Ellis, Rodney
Relating to the collection of certain fines, court costs, and restitution in criminal cases.

SB 1353 Barrientos

Relating to the regulation of the practice of software engineering.

SB 1464 Cain

Relating to the appraisal of furniture, fixtures, and equipment for ad valorem tax purposes.

SB 1615 Lucio

Relating to the creation and operation of health services districts; granting the power of eminent domain and the authority to issue bonds.

SJR 4 Madla

Proposing a constitutional amendment to allow the voters of El Paso County to adopt a charter that restructures and empowers the county government, that consolidates each municipality located completely in the county, and that allows the integration of the county government with certain other political subdivisions located, in whole or in part, in the county.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 8

Criminal Jurisprudence - **HB 507, HB 628**

Elections - **HB 4**

Insurance - **SB 530**

Judicial Affairs - **HB 3854**

Land & Resource Management - **HB 1563, HB 2162**

Public Health - **SB 209, SB 358, SB 519, SB 539, SB 673, SB 1223, SB 1239, SB 1294, SB 1525**

Transportation - **HB 2814, HB 3351, SB 201, SB 408, SB 416, SB 641, SB 735**

Urban Affairs - **HB 2281, HB 2481, SB 896, SB 1257**

Ways & Means - **SB 953**

ENGROSSED

May 8 - HB 87, HB 89, HB 90, HB 116, HB 145, HB 269, HB 319, HB 374, HB 509, HB 564, HB 617, HB 629, HB 652, HB 656, HB 668, HB 703, HB 714, HB 747, HB 792, HB 804, HB 817, HB 918, HB 921,

HB 928, HB 943, HB 954, HB 961, HB 1032, HB 1058, HB 1078, HB 1123, HB 1153, HB 1176, HB 1211, HB 1223, HB 1224, HB 1248, HB 1265, HB 1333, HB 1337, HB 1353, HB 1387, HB 1453, HB 1542, HB 1544, HB 1583, HB 1586, HB 1606, HB 1607, HB 1627, HB 1700, HB 1708, HB 1802, HB 1822, HB 1827, HB 1829, HB 1833, HB 1864, HB 1918, HB 1968, HB 2011, HB 2019, HB 2021, HB 2047, HB 2114, HB 2140, HB 2145, HB 2155, HB 2164, HB 2165, HB 2166, HB 2172, HB 2186, HB 2201, HB 2236, HB 2252, HB 2253, HB 2272, HB 2274, HB 2300, HB 2307, HB 2337, HB 2338, HB 2408, HB 2420, HB 2421, HB 2429, HB 2456, HB 2482, HB 2543, HB 2547, HB 2585, HB 2598, HB 2605, HB 2621, HB 2706, HB 2765, HB 2787, HB 2806, HB 2819, HB 2840, HB 2879, HB 2944, HB 2977, HB 3001, HB 3002, HB 3011, HB 3120, HB 3176, HB 3191, HB 3300, HB 3381, HB 3425, HB 3433, HB 3442, HB 3446, HB 3449, HB 3458, HB 3467, HB 3469, HB 3549, HB 3551, HB 3603, HB 3632, HB 3704, HB 3736, HB 3738, HB 3746, HB 3762, HB 3775, HB 3806, HB 3809, HB 3815, HB 3816, HB 3821, HB 3832, HB 3835, HB 3838, HB 3847, HCR 109

May 9 - HB 2124, HB 2896

ENROLLED

May 8 - HB 2067, HB 3561, HCR 245