

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-THIRD DAY — THURSDAY, MAY 13, 1999

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 326).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, 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.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Crownover; Jones, C.

Absent — Solis, J. F.

The invocation was offered by Dr. Charles B. Simmons, Memorial Drive United Methodist Church, Houston, as follows:

Eternal and ever-present God: As we begin a new morning together, we pause humbly to approach you. Help us to be sincere in our approach that we may come before you in reverence and you may enter into our presence with power.

In this hallowed house, Lord, we are very aware that you have made us the recipients of a great legislative inheritance. And, we thank you for all here whose task today is to guard that great gift, to profit by it, to augment and to pass it on.

Bless these your servants as they take counsel together on matters pertaining to the common life of this great state. Endow each with a right understanding, pure purposes, and sound speech. Enable them to rise above all self-seeking and party zeal to the nobler concerns of the public good. Give them new vision and set their hearts on fire with large resolves.

O Lord, lead them; that in all their deliberations and decisions they may faithfully discharge the duties of their office, and ever promote the health,

safety and well-being of those whom they seek to serve; for the good of Texas and the honor and glory of your holy name. In his name, we pray. Amen.

LEAVE OF ABSENCE GRANTED

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

C. Jones on motion of Cook.

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. 48).

LEAVES OF ABSENCE GRANTED

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

Junell on motion of Counts.

Heflin on motion of Counts.

HR 825 - ADOPTED (by Uher and Delisi)

Representative Uher moved to suspend all necessary rules to take up and consider at this time **HR 825**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 825, In memory of the Honorable Joe M. Kilgore.

HR 825 was read and was unanimously adopted by a rising vote.

INTRODUCTION OF GUEST

The speaker recognized Representatives Uher and Delisi, who introduced Dean Kilgore, Austin attorney and son of the honorable Joe M. Kilgore

(Heflin now present)

HR 487 - ADOPTED (by R. Lewis)

Representative R. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 487**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 487, Honoring the Newton High School Eagles for winning the 1998 UIL Class 3A Division II state football championship.

HR 487 was adopted without objection.

HR 486 - ADOPTED**(by R. Lewis)**

Representative R. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 486**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 486, Honoring Newton High School head football coach Curtis Barbay.

HR 486 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative R. Lewis, who introduced Coach Curtis Barbay, and his family.

INTRODUCTION OF GUEST

The speaker recognized Representative Goolsby, who introduced Al Heidari, owner of the Old Warsaw restaurant.

HR 727, honoring the Old Warsaw restaurant in Dallas on its 50th year of operation, having been previously adopted, was read.

(J. F. Solis now present)

HR 924 - ADOPTED**(by Wohlgemuth)**

Representative Wohlgemuth moved to suspend all necessary rules to take up and consider at this time **HR 924**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 924, Honoring the memory of O. C. Forrest, Jr.

HR 924 was read and was unanimously adopted by a rising vote.

HR 923 - ADOPTED**(by Wohlgemuth)**

Representative Wohlgemuth moved to suspend all necessary rules to take up and consider at this time **HR 923**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 923, Recognizing May 13, 1999, as Johnson County Day at the Capitol.

(Edwards in the chair)

HR 923 was read and was adopted without objection.

HR 920 - ADOPTED**(by P. King)**

Representative P. King moved to suspend all necessary rules to take up and consider at this time **HR 920**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 920, Honoring the 1999 graduating class of Bridgeport High School.

HR 920 was read and was adopted without objection.

HR 928 - ADOPTED**(by Cuellar)**

Representative Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 928**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 928, Congratulating Vanessa Gutierrez on being named 1999 Youth of the Year by the U.S. Border Patrol-Laredo Sector.

(Speaker in the chair)

HR 928 was read and was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 928** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Cuellar, who introduced Vanessa Gutierrez and her mother, Mary Lori.

HR 926 - ADOPTED**(by Edwards)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 926**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 926, Honoring Five Young Men for their refreshing musical style and positive message.

HR 926 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Edwards, who introduced the musical group from Atlanta, Georgia, Five Young Men.

Five Young Men sang a short gospel song for the house.

HR 533 - ADOPTED**(by A. Reyna)**

Representative A. Reyna moved to suspend all necessary rules to take up and consider at this time **HR 533**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 533, Commemorating the San Antonio meeting of the Asociacion Internacional de Clubes Sembradores de Amistad.

HR 533 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative A. Reyna, who introduced members of the Asociacion Internacional de Clubes Sembradores de Amistad.

HR 929 - ADOPTED**(by J. Jones)**

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 929**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 929, Honoring Dr. Haywood L. Strickland for his work as president of Texas College.

HR 929 was adopted without objection.

HR 930 - ADOPTED**(by Hawley)**

Representative Hawley moved to suspend all necessary rules to take up and consider at this time **HR 930**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 930, Honoring Mona McCain on her 90th birthday.

HR 930 was adopted without objection.

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

RULES SUSPENDED

Representative Telford moved to suspend all necessary rules to allow the

house to consider all house bills on third reading that appear on the Major State Calendar and General State Calendar before the senate bills on third reading that appear on the General State Calendar on today's Supplemental House Calendar.

The motion prevailed without objection.

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).

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 4 ON THIRD READING (by Gallego, Madden, Danburg, Averitt, and Greenberg)

HB 4. A bill to be entitled An Act relating to the regulation of certain political contributions, political expenditures, and political advertising; providing civil penalties.

(Junell now present)

A record vote was requested.

HB 4 was passed by (Record 327): 138 Yeas, 3 Nays, 1 Present, not voting.

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

Nays — Crabb; Heflin; Shields.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Jones, C.

Absent — Corte; Edwards; Grusendorf; Hochberg; Staples; Turner, S.

STATEMENT OF VOTE

When Record No. 327 was taken, I was in the house but away from my desk. I would have voted no.

Corte

HB 1847 ON THIRD READING
(by Hill)

HB 1847, A bill to be entitled An Act relating to the presumed validity of a district act or proceeding.

A record vote was requested.

HB 1847 was passed by (Record 328): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, 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, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Jones, C.

Absent — Corte; Reyna, A.

STATEMENT OF VOTE

When Record No. 328 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

HB 3016 ON THIRD READING
(by Smithee)

HB 3016, A bill to be entitled An Act relating to health care utilization review agents.

HB 3016 was passed.

HB 3126 ON THIRD READING
(by Chisum)

HB 3126, A bill to be entitled An Act relating to the establishment and application of uniform criteria for evaluating state-funded drug abuse prevention programs.

HB 3126 was passed.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

Pursuant to the previous motion made by Representative Telford, the house will now proceed to take up house bills on third reading on the General State Calendar.

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

HB 3444 ON THIRD READING
(by R. Lewis)

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

HB 3444 was passed.

HB 745 ON THIRD 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 passed.

HB 621 ON THIRD READING
(by Dukes)

HB 621, A bill to be entitled An Act relating to the requirements for the location of a correctional or rehabilitation facility.

A record vote was requested.

HB 621 was passed by (Record 329): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, 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; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Jones, C.

Absent — Brown, B.; Ehrhardt.

STATEMENT OF VOTE

When Record No. 329 was taken, I would have voted yes.

Ehrhardt

HB 1825 ON THIRD READING (by Hochberg)

HB 1825, A bill to be entitled An Act relating to allowing certain school districts to conduct an election by mail ballots.

HB 1825 was passed. (Berman and Shields recorded voting no)

HB 1789 ON THIRD READING (by B. Turner, et al.)

HB 1789, A bill to be entitled An Act relating to the use of stored water for wildlife management on a person's property.

A record vote was requested.

HB 1789 was passed by (Record 330): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; 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; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Jones, C.

Absent — Marchant.

HB 2647 ON THIRD READING
(by Hartnett)

HB 2647, A bill to be entitled An Act relating to the procurement of legal services by the Texas Turnpike Authority Division of the Texas Department of Transportation.

A record vote was requested.

HB 2647 was passed by (Record 331): 143 Yeas, 2 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, 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; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Craddick; Shields.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Jones, C.

Absent — Edwards; Flores.

HB 3714 ON THIRD READING
(by Shields, Christian, Siebert, and Clark)

HB 3714, A bill to be entitled An Act relating to collateral protection insurance.

HB 3714 was passed.

HB 3142 ON THIRD READING
(by Naishtat)

HB 3142, A bill to be entitled An Act relating to exempting certain courses of instruction or review from proprietary school certification.

HB 3142 was passed.

HB 3479 ON THIRD READING**(by Greenberg, Goodman, Coleman, Janek, and Danburg)**

HB 3479, A bill to be entitled An Act relating to liability for sexual exploitation by mental health services providers who are officers or employees of governmental units.

HB 3479 was passed.

HB 3567 ON THIRD READING**(by Uher)**

HB 3567, A bill to be entitled An Act relating to county development districts.

HB 3567 was passed. (Denny recorded voting no)

HB 3653 ON THIRD READING**(by Oliveira)**

HB 3653, A bill to be entitled An Act relating to compensatory education and accelerated instruction in public schools.

HB 3653 was passed.

HB 3658 ON THIRD READING**(by Oliveira, Seaman, and J. Solis)**

HB 3658, A bill to be entitled An Act relating to the enterprise zone program.

HB 3658 was passed.

HB 3696 ON THIRD READING**(by Hawley)**

HB 3696, A bill to be entitled An Act relating to the approval of assignments of oil and gas leases covering certain state land.

HB 3696 was passed.

HB 3786 ON THIRD READING**(by A. Reyna)**

HB 3786, A bill to be entitled An Act relating to the transfer of certain proceedings in a suit affecting the parent-child relationship.

HB 3786 was passed.

HB 51 ON THIRD READING**(by Cuellar and Ehrhardt)**

HB 51, A bill to be entitled An Act relating to the authority of a taxing unit to permit certain persons to perform services for the unit in lieu of paying ad valorem taxes owed to the unit.

Amendment No. 1

Representative Cuellar offered the following amendment to **HB 51**:

Amend **HB 51** on third reading as follows:

(1) Strike SECTION 3 of the bill, amending Section 42.302(a), Education Code.

(2) In SECTION 4 of the bill, in added Section 42.302(c), Education Code, strike "31.036 or 31.037," and substitute "31.035, 31.036, or 31.037".

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 was adopted without objection.

HB 51, as amended, was passed.

HB 1155 ON THIRD READING

(by **R. Lewis**)

HB 1155, A bill to be entitled An Act relating to the regulation of tanning facilities.

HB 1155 was passed.

HB 3420 ON THIRD READING

(by **Maxey, Danburg, and Grusendorf**)

HB 3420, A bill to be entitled An Act relating to prohibiting certain actions by school district employees concerning dietary supplements that contain performance enhancing compounds; providing a criminal penalty.

HB 3420 was passed.

HB 2231 ON THIRD READING

(by **Crabb**)

HB 2231, A bill to be entitled An Act relating to the punishment for the offense of burglary of a rail car.

HB 2231 was passed.

HB 3573 ON THIRD READING

(by **R. Lewis**)

HB 3573, A bill to be entitled An Act relating to extracurricular activities sponsored or sanctioned by a school district or the University Interscholastic League.

A record vote was requested.

HB 3573 was passed by (Record 332): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culbertson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; 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.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Jones, C.

Absent — Garcia; Grusendorf; Hochberg; Jones, J.; Talton; Turner, S.

HB 3144 ON THIRD READING
(by Kuempel)

HB 3144, A bill to be entitled An Act relating to the land application of municipal sewage sludge.

A record vote was requested.

HB 3144 was passed by (Record 333): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Jones, C.

Absent — Hochberg; Hodge; Jones, J.; Longoria; Noriega.

STATEMENTS OF VOTE

When Record No. 333 was taken, I would have voted yes.

Hodge

When Record No. 333 was taken, I was in the house but away from my desk. I would have voted yes.

Noriega

HB 3021 ON THIRD READING
(by Smithee)

HB 3021, A bill to be entitled An Act relating to a health maintenance organization's complaint and appeals procedures.

HB 3021 was passed.

HB 3060 ON THIRD READING
(by Hill)

HB 3060, A bill to be entitled An Act relating to issuance of a title to a commercial vehicle for registration purposes only.

HB 3060 was passed.

HB 2869 ON THIRD READING
(by Capelo, Goodman, Uresti, et al.)

HB 2869, A bill to be entitled An Act relating to the requirement that a child provide certain information to a juvenile probation officer as a condition of probation for certain offenses involving a handgun.

HB 2869 was passed.

HB 3407 ON THIRD READING
(by Williams)

HB 3407, A bill to be entitled An Act relating to applying the open meetings and open records laws to certain property owners' associations.

HB 3407 was passed.

HB 2754 ON THIRD READING
(by Smithee)

HB 2754, A bill to be entitled An Act relating to the administration of risk pools that provide health and accident coverage for political subdivisions.

HB 2754 was passed.

HB 2574 ON THIRD READING
(by Hilbert)

HB 2574, A bill to be entitled An Act relating to allocation for ad valorem tax purposes of the value of certain business aircraft used outside this state.

A record vote was requested.

HB 2574 was passed by (Record 334): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; 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; alton; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Jones, C.

Absent — Chisum; Davis, Y.; Marchant; Truitt; Uher.

HB 2488 ON THIRD READING
(by Tillery)

HB 2488, A bill to be entitled An Act relating to civil actions based on communications or decisions concerning matters pending before governmental agencies.

HB 2488 was passed.

HB 738 ON THIRD READING
(by B. Brown and Madden)

HB 738, A bill to be entitled An Act relating to the scope of and deposit for certain election recounts.

HB 738 was passed.

HB 1699 ON THIRD READING
(by Danburg)

HB 1699, A bill to be entitled An Act relating to certain voter registration information, processes, and procedures.

HB 1699 was passed. (Berman recorded voting no)

HB 2045 ON THIRD READING
(by Brimer)

HB 2045, A bill to be entitled An Act relating to financing capital improvements and facility expansions through the assessment of impact fees.

HB 2045 was passed.

HB 1939 ON THIRD READING
(by Grusendorf, Goodman, and Hinojosa)

HB 1939, A bill to be entitled An Act relating to requirements and procedures concerning driver's licenses or personal identification certificates for persons subject to sex offender registration.

HB 1939 was passed.

HB 1805 ON THIRD READING
(by Dunnam)

HB 1805, A bill to be entitled An Act relating to the exemption of insurance benefits from garnishment, attachment, execution, or other seizure.

HB 1805 was passed.

HB 916 ON THIRD READING
(by Gallego and Culberson)

HB 916, A bill to be entitled An Act relating to regulation of outdoor lighting at state-funded entities.

HB 916 was passed.

HB 1510 ON THIRD READING
(by Marchant)

HB 1510, A bill to be entitled An Act relating to documentary fee included in a vehicle retail installment contract.

HB 1510 was passed.

HB 1576 ON THIRD READING
(by Gallego)

HB 1576, A bill to be entitled An Act relating to the repayment of student loans for certain public school teachers and college and university faculty members.

HB 1576 was passed.

HB 2032 ON THIRD READING
(by Kuempel)

HB 2032, A bill to be entitled An Act relating to surrender of a suspended or revoked driver's license or vehicle registration.

HB 2032 was passed.

HB 3206 ON THIRD READING
(by Danburg)

HB 3206, A bill to be entitled An Act relating to certain election processes and procedures; providing criminal penalties.

Amendment No. 1

Representative Smithee offered the following amendment to **HB 3206**:

Amend **HB 3206** on third reading by inserting the following appropriately numbered sections of the bill and renumbering subsequent sections of the bill accordingly:

SECTION _____. Section 43.031, Election Code, is amended by adding Subsection (e) to read as follows:

(e) A polling place may not be located at the residence of a person who is:

(1) a candidate for an elective office, including an office of a political party; or

(2) related within the third degree by consanguinity or the second degree by affinity, as determined under Chapter 573, Government Code, to a candidate described by Subdivision (1).

SECTION _____. Subchapter C, Chapter 125, Election Code, is amended by adding Section 125.0611 to read as follows:

Sec. 125.0611. PROVIDING SEPARATE BALLOT PART FOR WRITE-IN VOTING. (a) If an electronic system ballot includes a separate write-in part under Section 124.064, that part shall be provided with the electronic system ballot.

(b) A voter may not be required to request the separate write-in part as a condition to being provided that part.

Amendment No. 1 was adopted without objection.

HB 3206, as amended, was passed.

HB 282 ON THIRD READING
(by Wise and Dunnam)

HB 282, A bill to be entitled An Act relating to a limitation on interviewing or examining a child in a criminal case.

HB 282 was passed.

HB 438 ON THIRD READING
(by B. Turner)

HB 438, A bill to be entitled An Act relating to the use of property owned by a state agency.

Amendment No. 1

On behalf of Representative Cuellar, Representative B. Turner offered the following amendment to **HB 438**:

Amend **HB 438**, on Third Reading, by striking Section 792.003 in its entirety.

Amendment No. 1 was adopted without objection.

HB 438, as amended, was passed.

RULES SUSPENDED

Representative Hunter moved to suspend the 5-day posting rule to allow the Committee on State, Federal, and International Relations to consider **SB 1613**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Financial Institutions, on recess today, Desk 26, for a formal meeting, to consider pending business.

Transportation, on recess today, Desk 25, for a formal meeting.

Civil Practices, on recess today, Desk 112, for a formal meeting.

Ways and Means, on recess today, Desk 61, for a formal meeting, to consider pending bills.

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

State, Federal, and International Relations, on recess today, Desk 128.

RECESS

Representative Driver moved that the house recess until 1:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:01 p.m., recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

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. 49).

HR 939 - ADOPTED (by Hope)

Representative Hope moved to suspend all necessary rules to take up and consider at this time **HR 939**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 939, In memory of the Reverend John Pierce Daviss.

HR 939 was unanimously adopted by a rising vote.

On motion of Representative Uher, the names of all the members of the house were added to **HR 939** as signers thereof.

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

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

SB 61 ON THIRD 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.

SB 61 was passed.

SB 1105 ON THIRD READING
(Staples - House Sponsor)

SB 1105, A bill to be entitled An Act relating to repair and resale of certain data processing equipment.

SB 1105 was passed.

SB 1303 ON THIRD READING
(Uher - House Sponsor)

SB 1303, A bill to be entitled An Act relating to the authority of the Parks and Wildlife Department to establish a limited entry license management program.

SB 1303 was passed.

SB 1298 ON THIRD READING
(Chisum - House Sponsor)

SB 1298, A bill to be entitled An Act relating to a prohibition on a requirement for air dispersion modeling before beginning construction of a concrete plant.

SB 1298 was passed.

SB 631 ON THIRD READING
(Walker and Hawley - House Sponsors)

SB 631, A bill to be entitled An Act relating to the boll weevil eradication program.

A record vote was requested.

SB 631 was passed by (Record 335): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, 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; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Taltun; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Jones, C.

Absent — Flores; Hartnett; Smith.

SB 1207 ON THIRD READING
(McCall - House Sponsor)

SB 1207, A bill to be entitled An Act relating to the Texas State Board of Medical Examiners and the licensure of physicians; appropriating fees and providing penalties.

Amendment No. 1

Representative Noriega offered the following amendment to **SB 1207**:

Amend **SB 1207** on third reading in SECTION 2 of the bill, in amended Section 3.04(5), Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), by striking "in Section 3.05(k), (l), and (m)" and substituting "by Sections 3.05(k) and (l) of this Act".

Amendment No. 1 was adopted without objection.

SB 1207, as amended, was passed.

SB 781 ON THIRD READING
(Bailey - House Sponsor)

SB 781, A bill to be entitled An Act relating to contracts between podiatrists and health care plans.

Amendment No. 1

Representative Noriega offered the following amendment to **SB 781**:

Amend **SB 781** by striking SECTIONS 3 and 4 and adding new SECTIONS 3, 4, and 5.

SECTION 3. Section 3, Art. 3.70-3C, Insurance Code, is amended to add a new subsection (o) to read as follows:

(o) For purposes of this subsection, "Hospitalist" means a physician who becomes a physician of record at a hospital for a patient of a participating podiatrist and who may return the care of the patient to that podiatrist at the end of the hospitalization. Any insurer which markets or sponsors a preferred provider benefit plan in its contracts with a podiatrist shall not require the mandatory use of a hospitalist.

SECTION 4. Section 18A, Texas Health Maintenance Organization Act (Article 20A.18A, Vernon's Texas Insurance Code) is amended to add a new subsection (k) to read as follows:

(k) For purposes of this subsection, "Hospitalist" means a physician who becomes a physician of record at a hospital for a patient of a participating podiatrist and who may return the care of the patient to that podiatrist at the end of the hospitalization. A contract between a health maintenance organization and a podiatrist shall not require the mandatory use of a hospitalist.

SECTION 5. The importance of the 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.

CAPITOL PHYSICIAN

The speaker recognized Representative Morrison who presented Dr. Rakesh Rikhye of Victoria as the "Doctor for the Day."

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

(Speaker pro tempore in the chair)

HB 781 - (consideration continued)

Amendment No. 1 was adopted without objection.

SB 781, as amended, was passed.

SB 1125 ON THIRD READING (Hinojosa - House Sponsor)

SB 1125, A bill to be entitled An Act relating to mediation in certain criminal cases.

SB 1125 was passed.

SB 1124 ON THIRD READING (Hinojosa - House Sponsor)

SB 1124, A bill to be entitled An Act relating to the use of mediation or other dispute resolution procedures in family violence cases.

SB 1124 was passed.

SB 828 ON THIRD READING (Haggerty - House Sponsor)

SB 828, A bill to be entitled An Act relating to supplemental environmental projects undertaken in lieu of certain penalties.

SB 828 was passed.

SB 1230 ON THIRD READING (Thompson - House Sponsor)

SB 1230, 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.

Amendment No. 1

Representative Thompson offered the following amendment to **SB 1230**:

Amend **SB 1230** by adding a new appropriately numbered SECTION to read as follows:

SECTION ____ Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0512 to read as follows:

Article 45.0512. FLAGRANT OFFENSES: MANDATORY DRIVER TRAINING.

(a) The court shall, on conviction of, or a plea of nolo contendere by, a person for an offense described by subsection (b), order the person to successfully complete a driving safety course, or, if the violation occurred while the person was operating a motorcycle, a motorcycle operator training course.

(b) Subsection (a) applies upon conviction of, or a plea of nolo contendere by, a person for:

(1) a violation of one of the following provisions of the Transportation Code:

(A) Section 545.066 (Passing a School Bus);

(B) Section 545.401 (Reckless Driving);

(C) Section 545.421 (Fleeing or Attempting to Elude a Police Officer);

(D) Section 550.022 (Accident Involving Damage to Vehicle); or

(E) Section 550.023 (Duty to Give Information and Render Aid); or

(2) speeding twenty-five miles per hour or more over the posted speed limit.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Coleman offered the following amendment to **SB 1230**:

Amend Thompson Amendment No. 7 to **SB 1230**, adopted on second reading, in proposed Article 45.051(b), Code of Criminal Procedure, by striking Subdivision (3) and the language in Subdivision (4) ending with "reasonable condition" and substituting the following:

(3) [~~☞~~] submit to professional counseling;

(4) submit to diagnostic testing for alcohol or a controlled substance or drug;

(5) submit to a psychosocial assessment;

(6) participate in an alcohol or drug abuse treatment or education program;

(7) pay the costs of any diagnostic testing, psychosocial assessment, or participation in a treatment or education program either directly or through the court as court costs; and

(8) [~~☛~~] comply with any other reasonable condition

Amendment No. 2 was adopted without objection.

SB 1230, as amended, was passed.

SB 1019 ON THIRD READING
(Pickett - House Sponsor)

SB 1019, A bill to be entitled An Act relating to the enforcement of motor carrier regulations.

SB 1019 was passed.

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 358 ON SECOND READING
(Gray, Bosse, and McCall - House Sponsors)**

CSSB 358, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Mental Health and Mental Retardation.

Amendment No. 1

Representative Gray offered the following amendment to **CSSB 358**:

Amend **CSSB 358** by striking Subsection (d) of SECTION 5 of the bill (Committee Printing page 5, line 21 through page 6, line 4) and substitute the following:

(d) In developing the report under Subsection (c) the department shall:

(1) conduct two public meetings, one meeting to be held at the beginning of the process and the second meeting to be held at the end of the process, to receive comments from interested parties; and

(2) consider:

(a) the medical needs of the most medically fragile of its clients;

(b) the provision of services to clients with severe and profound mental retardation and to persons with mental retardation who are medically fragile or have behavioral problem;

(c) the program and service preference information collected under Section 533.038; and

(d) input solicited from consumers of services of state school and hospitals.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Deshotel offered the following amendment to **CSSB 358**:

Amend **CSSB 358** (House Committee Report) in Section 7 of the bill by striking added Section 533.0346, Health and Safety Code (page 7, lines 14-18), and substituting the following:

Sec. 533.0346. AUTHORITY TO TRANSFER SERVICES TO COMMUNITY CENTERS. (a) The department may transfer operations of and services provided at the Beaumont State Center, and Laredo State Center to a community center established under Chapter 534, including a newly established center providing mental retardation services or mental health and mental retardation services.

(b) The transfer may occur only on the department's approval of a plan submitted in accordance with Section 534.001(d) or of an amendment to a previously approved plan. In developing the plan or plan amendment, the center or proposed center proposing to accept the state center operation and service responsibilities shall consider input from consumers of mental health

and mental retardation services and family members of and advocates for those consumers, organizations that represent affected employees, and other providers of mental health and mental retardation services.

(c) The center or proposed center proposing to accept the state center operation and service responsibilities shall publish notice of the initial planning meeting regarding the content of the plan or plan amendment and of the meeting to review the content of the proposed plan or plan amendment before it is submitted under Section 534.001(d). The notices must include the time and location of the meeting. The notice of the meeting to review the content of the plan or amendment must include information regarding how to obtain a copy of the proposed plan or amendment. The notices must be published not fewer than 30 days and not more than 90 days before the date set for the meeting in a newspaper of general circulation in each county containing any part of the proposed service area. If a county in which notice is required to be published does not have a newspaper of general circulation, the notices shall be published in a newspaper of general circulation in the nearest county in which a newspaper of general circulation is published.

(d) At the time the operations and services are transferred to the community center, money supporting the cost of providing operations and services at a state center shall be transferred to the community center to ensure continuity of services.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Hilderbran offered the following amendment to **CSSB 358**:

Amend **CSSB 358** as follows:

On page 6, between lines 17 and 18, insert the following new subsection:

Sec. 532.032 (f) The department shall, in coordination with The Health and Human Services Commission, evaluate the current and long-term costs associated with serving in-patient psychiatric needs of persons living in counties now served by at least three state hospitals within 120 miles of one another. This evaluation shall take into consideration the condition of the physical plants and other long-term asset management issues associated with the operation of the hospitals, as well as other issues associated with quality psychiatric care. After such determination is made, the Health and Human Services Commission shall begin to take action to influence the utilization of these state hospitals in order to ensure efficient service delivery.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Naishtat offered the following amendment to **CSSB 358**:

Amend **CSSB 358** by adding the following appropriately numbered section and by renumbering subsequent sections accordingly:

SECTION _____. (a) The Texas Department of Mental Health and Mental Retardation and the Texas Department of Housing and Community Affairs shall implement a program to demonstrate the effectiveness of

interagency cooperation for providing supported housing services to individuals with mental illness who reside in personal care facilities.

(b) The Texas Department of Mental Health and Mental Retardation and the Texas Department of Housing and Community Affairs shall design the supported housing services to give individualized assistance to persons to acquire and retain living arrangements that are:

(1) typical of the general population in the area in which the services are provided; and

(2) located among residences of individuals who are not receiving the services.

(c) The supported housing services under the program must be provided in accordance with rules of the Texas Department of Mental Health and Mental Retardation and may include:

(1) rental assistance for an individual who:

(A) meets income guidelines of the Texas Department of Housing and Community Affairs; and

(B) is not receiving housing assistance from the federal government;

(2) consumer rehabilitation services; and

(3) support services.

(d) The Texas Department of Mental Health and Mental Retardation and the Texas Department of Housing and Community Affairs shall work with the Texas Department of Human Services to allocate resources for the demonstration program so that priority is given to communities that:

(1) have the greatest number of personal care facilities and facilities that do not comply with licensing rules for personal care facilities; and

(2) have supported housing plans that the Texas Department of Mental Health and Mental Retardation and the Texas Department of Housing and Community Affairs have found to be consistent with the purposes of the demonstration program.

(e) The Texas Department of Mental Health and Mental Retardation and the Texas Department of Housing and Community Affairs shall establish an application process for communities that seek to participate in the demonstration program.

(f) The Texas Department of Mental Health and Mental Retardation and the Texas Department of Housing and Community Affairs shall establish a committee to supervise the design and implementation of the demonstration program. The committee must include representatives of:

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

(2) the Texas Department of Housing and Community Affairs;

(3) the Texas Department of Human Services;

(4) consumers of mental health services; and

(5) advocates of persons with mental illness.

(g) A community may not be selected to participate in the demonstration program unless the person that applies for the community's participation demonstrates collaboration between the local mental health authority and a public housing authority, community housing development organization, community development corporation, or other housing organization.

(h) An individual is not eligible for assistance under the demonstration program if the individual:

(1) does not have a mental illness;

(2) does not reside in a licensed or unlicensed personal care facility at the time the individual is first offered services under the demonstration program; or

(3) was placed in a licensed or unlicensed personal care facility for the sole purpose of becoming eligible for the demonstration program.

(i) The Texas Department of Mental Health and Mental Retardation and the Texas Department of Housing and Community Affairs shall implement the demonstration program required by this section as soon as possible after the effective date of this Act and not later than January 1, 2000.

(j) On or before January 15, 2001, the Texas Department of Mental Health and Mental Retardation and the Texas Department of Housing and Community Affairs shall make a joint report to the governor, the lieutenant governor, and the speaker of the house of representatives. The report must include an evaluation of the demonstration program's benefits for individuals who received services and recommendations on the continuation or termination of the project or commencement of a similar project.

(k) This section expires August 31, 2001.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Van de Putte offered the following amendment to **CSSB 358**:

Amend **CSSB 358** by adding the following appropriately numbered section and by renumbering subsequent sections accordingly:

SECTION ____. (a) On September 1, 2001, or an earlier date provided by an interagency agreement between the Texas Department of Human Services and the Texas Department of Mental Health and Mental Retardation, the licensing, surveying, and regulation of intermediate care facilities for the mentally retarded under Chapters 222 and 252, Health and Safety Code, are transferred from the Texas Department of Human Services to the Texas Department of Mental Health and Mental Retardation.

(b) On September 1, 2001, or an earlier date provided by an interagency agreement between the Texas Department of Human Services and the Texas Department of Mental Health and Mental Retardation, all funds, obligations, and contracts of the Texas Department of Human Services related to a function listed in Subsection (a) of this section are transferred to the Texas Department of Mental Health and Mental Retardation.

(c) On September 1, 2001, or an earlier date provided by an interagency agreement between the Texas Department of Human Services and the Texas Department of Mental Health and Mental Retardation, all property and records in the custody of the Texas Department of Human Services related to a function listed in Subsection (a) of this section and all funds appropriated by the legislature to the Texas Department of Human Services for a function listed in Subsection (a) of this section are transferred to the Texas Department of Mental Health and Mental Retardation.

(d) On September 1, 2001, or an earlier date provided by an interagency agreement between the Texas Department of Human Services and the Texas Department of Mental Health and Mental Retardation, all employees of the Texas Department of Human Services who perform duties related to a function listed in Subsection (a) of this section become employees of the Texas Department of Mental Health and Mental Retardation, to be assigned duties by that department.

(e) A rule or form adopted by the Texas Department of Human Services that relates to a function listed in Subsection (a) of this section is a rule or form of the Texas Department of Mental Health and Mental Retardation and remains in effect until altered by that department. The secretary of state is authorized to adopt rules as necessary to expedite the implementation of this subsection.

(f) The transfer of the functions listed in Subsection (a) of this section does not affect or impair any act done, any obligation, right, order, license, permit, rule, criterion, standard, or requirement existing, any investigation begun, or any penalty accrued under former law, and that law remains in effect for any action concerning those matters.

(g) An action brought or proceeding commenced before the transfer required by this section is effected, including a contested case or a remand of an action or proceeding by a reviewing court, is governed by the law and rules applicable to the action or proceeding before the date of the transfer.

(h) After the transfer required by this section is effected:

(1) a reference in law to the Texas Department of Human Services that relates to a function listed in Subsection (a) of this section means the Texas Department of Mental Health and Mental Retardation; and

(2) a reference in law to the Texas Board of Human Services that relates to a function listed in Subsection (a) of this section means the Texas Board of Mental Health and Mental Retardation.

(i) The commissioner of health and human services shall facilitate and supervise the transfer required by Subsection (a) and shall ensure the proper transfer of money, information, equipment, employees, property, and other items necessary for the Texas Department of Mental Health and Mental Retardation and the Texas Board of Mental Health and Mental Retardation to assume responsibility for the licensing, surveying, and regulation of intermediate care facilities for the mentally retarded.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Eiland offered the following amendment to **CSSB 358**:

Amend **CSSB 358** in SECTION 10 of the bill, in added Section 533.038, Health and Safety Code, immediately following "ICF-MR programs" (Committee Report Printing, page 11, line 20), by inserting a comma.

Amendment No. 6 was adopted without objection.

Amendment No. 7

On behalf of Representatives Hartnett and Maxey, Representative Gray offered the following amendment to **CSSB 358**:

Amend **CSSB 358** by adding the following appropriately numbered SECTIONS to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Section 574.083, Health and Safety Code, is amended to read as follows:

Sec. 574.083. RETURN TO FACILITY UNDER [~~FACILITY ADMINISTRATOR'S CERTIFICATE OR~~] COURT ORDER. (a) The facility administrator of a facility to which a patient was admitted for court-ordered inpatient health care services may have an absent patient taken into custody, detained, and returned to the facility by filing an affidavit as prescribed by Subsection (c)[:

(1) ~~signing a certificate authorizing the patient's return; or~~

(2) ~~filing the certificate~~] with a magistrate and requesting the magistrate to order the patient's return.

(b) A magistrate may issue an order directing a peace or health officer to take a patient into custody and return the patient to the facility if the facility administrator files the affidavit [~~certificate as~~] prescribed by Subsection (c) [~~this section~~]. An order issued under this subsection extends to any part of this state and authorizes any peace officer to whom the order is directed or transferred to execute the order.

(c) An affidavit filed under Subsection (a) must set out facts establishing that the patient is receiving court-ordered inpatient mental health services at a facility and show that [~~The facility administrator may sign or file the certificate if~~] the facility administrator reasonably believes that:

(1) the patient is absent without authority from the facility;

(2) the patient has violated the conditions of a pass or furlough; or

(3) the patient's condition has deteriorated to the extent that the patient's continued absence from the facility under a pass or furlough is inappropriate.

(d) A peace or health officer shall take the patient into custody and return the patient to the facility as soon as possible if the patient's return is authorized by [~~the facility administrator's certificate or~~] the court order.

(e) The peace or health officer may take the patient into custody without having the [~~certificate or~~] court order in the officer's possession.

(f) A peace or health officer who cannot immediately return a patient to the facility named in the order may transport the patient to a local facility for detention. The patient may not be detained in a nonmedical facility that is used to detain persons who are charged with or convicted of a crime unless detention in the facility is warranted by an extreme emergency. If the patient is detained at a nonmedical facility:

(1) the patient:

(A) may not be detained in the facility for more than 24 hours; and

(B) must be isolated from all persons charged with or convicted of a crime; and

(2) the facility must notify the county health authority of the detention.

(g) The county health authority shall ensure that a patient detained in a nonmedical facility under Subsection (f) receives proper care and medical attention.

(h) Notwithstanding other law regarding confidentiality of patient information, the facility administrator may release to a law enforcement official information about the patient if the administrator determines the information is needed to facilitate the return of the patient to the facility.

SECTION _____. Section 593.012, Health and Safety Code, is amended to read as follows:

Sec. 593.012. ABSENT WITHOUT AUTHORITY [~~PERMISSION~~]. (a) The superintendent of a residential care facility to which a client has been admitted for court-ordered care and treatment may have a client who is absent without authority taken into custody, detained, and returned to the facility by filing an affidavit with a magistrate in the manner prescribed by Section 574.083 [may immediately issue an order authorizing a peace officer to detain a resident committed to the facility under Subchapter C who is absent from the facility without proper permission].

~~(b) The client shall be returned to the residential care facility in accordance with the procedures prescribed by Section 574.083 [A peace officer shall immediately notify the superintendent when the officer takes a resident into custody and shall promptly arrange the return of the resident to the assigned facility on request of the superintendent].~~

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative Delisi offered the following amendment to **CSSB 358**:

Amend **CSSB 358** by adding the following appropriately numbered section and by renumbering subsequent sections appropriately:

SECTION _____. Subchapter C, Chapter 534, Health and Safety Code, is amended by adding Section 534.106 to read as follows:

Sec. 534.106. **CONDITIONS FOR CERTAIN CONTRACTS.** (a) The department may not contract with a health maintenance organization formed by one or more community centers unless the board of directors of the health maintenance organization:

(1) includes an individual appointed by the governor; and

(2) does not include a trustee or executive director of a community center.

(b) A contract between the department and a health maintenance organization formed by one or more community centers must provide that the health maintenance organization may not form a for-profit entity unless the organization transfers all of the organization's assets to the control of the boards of trustees of the community centers that formed the organization.

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).

CSSB 358 - (consideration continued)

Amendment No. 9

Representative Van de Putte offered the following amendment to Amendment No. 8:

Amend the Delisi amendment to **SB 358**, in Subsection (a) (2), added Section 534.106, Health and Safety Code (page 1, line 12), by striking "a trustee or" and substituting "an".

Amendment No. 9 was adopted without objection.

Amendment No. 8, as amended, was adopted without objection.

CSSB 358, as amended, was passed to third reading. (Swinford recorded voting no)

CSSB 369 ON SECOND READING
(Bosse and Naishtat - House Sponsors)

CSSB 369, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Human Services.

Representative Maxey moved to postpone consideration of **CSSB 369** until 5 p.m. today.

The motion prevailed without objection.

SB 371 ON SECOND READING
(Gray - House Sponsor)

SB 371, A bill to be entitled An Act relating to the continuation and functions of the Correctional Managed Health Care Advisory Committee.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Staples, Representative Gray offered the following committee amendment to **SB 371**:

Amend **SB 371**, in SECTION 1 of the bill, by striking proposed Section 501.133(a)(4), Government Code (page 2, lines 1 through 5, senate engrossment), and substituting the following:

"(4) three public members appointed by the governor who are not affiliated with the department, at least one of whom is a practicing physician in a rural area and one of whom is a rural hospital administrator."

Amendment No. 2

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

Amend Committee Amendment No. 1 to **SB 371**, by striking the amendment in its entirety and substituting the following as Section 501.133 (a) (4), Government Code:

"(4) three public members appointed by the governor at least two of whom are practicing physicians and one of whom is a hospital administrator in a rural area. At least one of the two physicians appointed by the governor shall be a practicing physician in a rural area."

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted.

Amendment No. 3 (Committee Amendment No. 2)

On behalf of Representative Staples, Representative Gray offered the following committee amendment to **SB 371**:

Amend **SB 371** as follows:

(1) In SECTION 1 of the bill, immediately after proposed Section 501.148, Government Code (page 10, line 26, Senate Engrossment), add new Sections 501.149 and 501.1491, Government Code, to read as follows:

Sec. 501.149. USE OF RURAL HOSPITAL CONTRACTS. The University of Texas Medical Branch at Galveston and the Texas Tech Health Sciences Center, in conjunction with the committee, shall develop and implement a comprehensive plan for expanding the use of rural hospital contracts for inmate care. The plan must include measures designed to reduce inmate transportation costs, including transportation-related security costs, and health care costs.

Sec. 501.1491. REPORT TO LEGISLATURE. The Correctional Managed Health Care Committee shall report to the 77th Legislature regarding the progress made in expanding the use of rural hospital contracts in providing inmate health care services and reducing inmate transportation and health care costs. The report must include implementation plans, a timetable, and an analysis of costs incurred and savings realized through expanding the use of rural hospital contracts. This section expires September 1, 2001.

(2) In SECTION 1 of the bill, (page 11, line 1 to page 12, line 16, Senate Engrossment), renumber proposed Sections 501.149, 501.150, and 501.151, Government Code, as Sections 501.150, 501.151, and 501.152, Government Code, respectively.

(3) Add a new SECTION 5 to the bill to read as follows and renumber the subsequent SECTIONS of the bill accordingly:

SECTION 5. The University of Texas Medical Branch at Galveston and the Texas Tech Health Sciences Center, in conjunction with the Correctional Managed Health Care Committee, shall develop and begin implementation of the comprehensive plan required by Section 501.149, Government Code, as added by this Act, not later than January 1, 2000.

Amendment No. 4

Representative Staples offered the following amendment to Amendment No. 3:

Amend Committee Amendment No. 2 to **SB 371**, by striking the amendment in its entirety and substituting the following:

(1) In SECTION 1 of the bill, immediately after proposed Section 501.148, Government Code, to read as follows:

Sec. 501.149. REVIEW OF RURAL HOSPITAL CONTRACTS. The University of Texas Medical Branch at Galveston and the Texas Tech Health Sciences Center, in conjunction with the committee, shall develop and implement a comprehensive plan for review of the use of rural hospital contracts for inmate care. The plan must include measures designed to reduce inmate transportation costs, including transportation-related security costs, health care costs and help preserve the local health care delivery infrastructure.

Sec. 501.1491. REPORT TO LEGISLATURE. The Correctional Managed Health Care Committee shall report to the 77th Legislature, the Texas Board of Criminal Justice, and the State Auditor's Office regarding the use of rural hospital contracts in providing inmate health care services and the impact on inmate transportation, health care costs, maintenance of local health care infrastructure and medical personnel retention. The report must include recommendations concerning the best use of contracts with rural hospitals. This section expires September 1, 2001.

(2) In SECTION 1 of the bill, (page 11, line 1 to page 12, line 16, senate engrossment), renumber proposed Sections 501.149, 501.150 and 501.151, Government Code as Sections 501.150, 501.151, and 501.152, Government Code respectively.

(3) Add a new SECTION 5 to the bill to read as follows and renumber the subsequent sections of the bill accordingly.

SECTION 5. The University of Texas Medical Branch at Galveston and the Texas Tech Health Sciences Center, in conjunction with the Correctional Managed Health Care Committee, shall develop the comprehensive plan and begin the review required by Section 501.149, Government Code, as added by this Act, not later than January 1, 2000.

Amendment No. 4 was adopted without objection.

Amendment No. 3, as amended, was adopted without objection.

Amendment No. 5

Representative Staples offered the following amendment to **SB 371**:

Amend **SB 371** as follows:

(1) On page 11, line 15 after "committee" and before the period insert "and the Texas Board of Criminal Justice".

Amendment No. 5 was adopted without objection.

SB 371, as amended, was passed to third reading.

POSTPONED BUSINESS

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

SB 1187 ON SECOND READING (Gallego - House Sponsor)

SB 1187, A bill to be entitled An Act relating to judicial and court personnel training.

SB 1187 was considered in lieu of **HB 2705**.

SB 1187 was read second time and was passed to third reading.

HB 2705 - LAID ON THE TABLE SUBJECT TO CALL

Representative Capelo moved to lay **HB 2705** on the table subject to call.

The motion prevailed without objection.

CSSB 1666 ON SECOND READING
(Gray - House Sponsor)

CSSB 1666, A bill to be entitled An Act relating to the use of the hotel tax in certain municipalities; authorizing the issuance of bonds.

CSSB 1666 was considered in lieu of **CSHB 3252**.

CSSB 1666 was read second time and was passed to third reading.

CSHB 3252 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gray moved to lay **CSHB 3252** on the table subject to call.

The motion prevailed without objection.

CSSB 1128 ON SECOND READING
(Greenberg, Telford, Walker, McClendon, and Clark - House Sponsors)

CSSB 1128, A bill to be entitled An Act relating to systems and programs administered by the Teacher Retirement System of Texas.

CSSB 1128 was considered in lieu of **CSHB 2701**.

CSSB 1128 was read second time.

Amendment No. 1

Representatives Greenberg and McClendon offered the following amendment to **CSSB 1128**:

Amend **CSSB 1128** as follows:

(1) Add the following appropriately numbered SECTION to the bill to read as follows:

SECTION _____. Section 824.1012(a), Government Code, as added by Chapter 401, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(a) As an exception to Section 824.101(c), a retiree who selected an optional service retirement annuity under Section 824.204(c)(1), (c)(2), or (c)(5) or an optional disability retirement annuity under Section 824.308(c)(1), (c)(2), or (c)(5) may revoke the designation of the beneficiary to receive the annuity on the death of the retiree, if a court in a divorce proceeding involving the retiree and beneficiary approves or orders the revocation in the divorce decree or acceptance of a property settlement or if the beneficiary is an adult child of the retiree and signs a notarized consent to the revocation. The revocation takes effect when the retirement system receives it.

(2) Renumber existing SECTIONS of the bill and change the cross-reference in existing SECTION 28 of the bill accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative R. Lewis, Representative Greenberg offered the following amendment to **CSSB 1128**:

Amend **CSSB 1128** by adding a new section as follows:

Section _____. Amend Section 824.402, Government Code, by adding the following subsection (b) and renumbering subsequent sections accordingly:

(b) In addition to the benefits provided in accordance with the subsection (a), the designated beneficiary of a member who is an employee of a school district and who dies as a result of a physical assault during the performance of the employee's regular duties is eligible to receive a lump sum death benefit payment in the amount of \$160,000.

Amendment No. 2 was adopted without objection.

CSSB 1128, as amended, was passed to third reading. (Swinford recorded voting yes)

CSHB 2701 - LAID ON THE TABLE SUBJECT TO CALL

Representative Greenberg moved to lay **CSHB 2701** on the table subject to call.

The motion prevailed without objection.

SB 1352 ON SECOND READING
(Greenberg - House Sponsor)

SB 1352, A bill to be entitled An Act relating to course credits offered under an agreement between a school district and a junior college.

SB 1352 was considered in lieu of **HB 3290**.

SB 1352 was read second time and was passed to third reading.

HB 3290 - LAID ON THE TABLE SUBJECT TO CALL

Representative Greenberg moved to lay **HB 3290** on the table subject to call.

The motion prevailed without objection.

CSHB 3505 ON SECOND READING
(by J. Solis)

CSHB 3505, A bill to be entitled An Act relating to the creation and operation of health services districts; granting the power of eminent domain and the authority to issue bonds.

CSHB 3505 was read second time on April 27, postponed until May 3, postponed until May 11, and was again postponed until 10 a.m. today.

CSHB 3505 - LAID ON THE TABLE SUBJECT TO CALL

Representative J. Solis moved to lay **CSHB 3505** on the table subject to call.

The motion prevailed without objection.

HB 3764 ON SECOND READING
(by Gallego)

HB 3764, A bill to be entitled An Act relating to the rulemaking power of districts over wells in certain counties.

HB 3764 was read second time on May 12 and was postponed until 10 a.m. today.

Representative Gallego moved to postpone consideration of **HB 3764** until 4:30 p.m. today.

The motion prevailed without objection.

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

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

**CSHJR 95 ON SECOND READING
(by Gray)**

CSHJR 95, A joint resolution proposing a constitutional amendment to provide a four-year term for the adjutant general and to provide that the term runs concurrently with the term of the governor.

A record vote was requested.

CSHJR 95 was adopted by (Record 336): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent, Excused — Crownover; Jones, C.

Absent — Hartnett.

(Hunter in the chair)

HJR 81 ON SECOND READING**(by Uher, et al.)**

HJR 81, A joint resolution proposing a constitutional amendment relating to the ad valorem taxation of boats and other equipment used in the commercial taking or production of fish, shrimp, shellfish, or other marine life.

A record vote was requested.

HJR 81 was adopted by (Record 337): 142 Yeas, 2 Nays, 2 Present, not voting.

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

Nays — Moreno, P.; Najera.

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

Absent, Excused — Crownover; Jones, C.

Absent — Goolsby; Smithee.

(Speaker pro tempore in the chair)

CSHJR 74 ON SECOND READING**(by Gray)**

CSHJR 74, A joint resolution proposing a constitutional amendment to provide a four-year term for the commissioner of health and human services and to provide that the term runs concurrently with the term of the governor.

A record vote was requested.

CSHJR 74 was adopted by (Record 338): 143 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddock; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel;

Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Shields; Talton.

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

Absent, Excused — Crownover; Jones, C.

Absent — Hartnett.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSSB 333 ON SECOND READING
(Smithee - House Sponsor)**

CSSB 333, A bill to be entitled An Act relating to the treatment of certain annuities as charitable gift annuities and the application of the Insurance Code and certain other laws to charitable gift annuities.

CSSB 333 was considered in lieu of **HB 823**.

CSSB 333 was passed to third reading.

HB 823 - LAID ON THE TABLE SUBJECT TO CALL

Representative Smithee moved to lay **HB 823** on the table subject to call.

The motion prevailed without objection.

**HB 1490 ON SECOND READING
(by Madden)**

HB 1490, A bill to be entitled An Act relating to procedures for an automatic recount in certain elections.

HB 1490 was passed to engrossment.

**HB 1664 ON SECOND READING
(by Naishtat)**

HB 1664, A bill to be entitled An Act relating to the execution of certain writs in an action to determine possession of certain leased premises.

HB 1664 was passed to engrossment.

CSHB 2135 ON SECOND READING
(by Solomons)

CSHB 2135, A bill to be entitled An Act relating to establishing a mechanic's lien for landscaping installations.

CSHB 2135 was passed to engrossment.

CSHB 2144 ON SECOND READING
(by A. Reyna)

CSHB 2144, A bill to be entitled An Act relating to the adoption and use of certain plumbing codes.

CSHB 2144 was passed to engrossment. (Shields and Talton recorded voting no)

HB 2168 ON SECOND READING
(by Naishtat)

HB 2168, A bill to be entitled An Act relating to the appointment of a registered agent to accept service of process in this state on behalf of a business entity.

HB 2168 was passed to engrossment.

HB 2478 ON SECOND READING
(by G. Lewis)

HB 2478, A bill to be entitled An Act relating to the insurers that must provide their underwriting guidelines to the Texas Department of Insurance and the office of public insurance counsel.

HB 2478 was passed to engrossment.

CSHB 2938 ON SECOND READING
(by B. Turner)

CSHB 2938, A bill to be entitled An Act relating to the verification of the social security number and lawful presence in the United States of a driver's license holder or applicant.

Representative Walker moved to postpone consideration of **CSHB 2938** until 10 a.m. tomorrow.

The motion prevailed without objection.

CSHB 2949 ON SECOND READING
(by Dukes)

CSHB 2949, A bill to be entitled An Act relating to the transfer of certain state property from the General Services Commission to the Austin Revitalization Authority.

CSHB 2949 was passed to engrossment.

CSHB 2624 ON SECOND READING
(by Maxey, Naishtat, and Danburg)

CSHB 2624, A bill to be entitled An Act relating to the Texas Council on Purchasing from People with Disabilities.

Amendment No. 1

Representative Maxey offered the following amendment to **CSHB 2624**:

Amend **CSHB 2624** as follows:

(1) On page 1, line 24, strike "two-year" and substitute "five-year [~~two-year~~]".

(2) On page 2, strike lines 10-12 and substitute the following:

(2) enter into a new contract, with the current central nonprofit agency or with a different entity, by using competitive sealed proposals in accordance with Subtitle D, Title 10, Government code.

Amendment No. 1 was adopted without objection.

CSHB 2624, as amended, was passed to engrossment.

HB 3086 ON SECOND READING
(by Wise)

HB 3086, A bill to be entitled An Act relating to the regulation of unauthorized insurance.

HB 3086 was passed to engrossment.

HB 3117 ON SECOND READING
(by Swinford)

HB 3117, A bill to be entitled An Act relating to the purchase of railroad right-of-way following abandonment for rail purposes.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Walker, Representative Swinford offered the following committee amendment to **HB 3117**:

Amend **HB 3117** as follows:

In subsection (c), page 1, line 23, add "subsection (a) of" between the words "under" and "this".

Amendment No. 1 was adopted without objection.

HB 3117, as amended, was passed to engrossment.

CSHB 3402 ON SECOND READING
(by Hardcastle)

CSHB 3402, A bill to be entitled An Act relating to the creation of the aviation development account in the state highway fund.

CSHB 3402 was passed to engrossment.

CSHB 3430 ON SECOND READING
(by Ritter and Longoria)

CSHB 3430, A bill to be entitled An Act relating to commissions for certain retired peace officers, the authority of those officers to carry handguns, and the ability of those officers to return to duty.

CSHB 3430 was passed to engrossment.

CSHB 3447 ON SECOND READING
(by Swinford)

CSHB 3447, A bill to be entitled An Act relating to the creation of a student endowment scholarship and internship program.

CSHB 3447 was passed to engrossment.

CSHB 3489 ON SECOND READING
(by Dunnam)

CSHB 3489, A bill to be entitled An Act relating to the prosecution of certain offenses relating to the operating of a motor vehicle or a watercraft while intoxicated.

Amendment No. 1

Representative Dunnam offered the following amendment to **CSHB 3489**:

Amend **CSHB 3489** by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Sections 49.09(a) and (b), Penal Code, are amended to read as follows:

(a) If it is shown at [on] the punishment phase of the trial of an offense under Section 49.04, 49.05, or 49.06 that the person has previously been convicted one time of an offense relating to the operating of a motor vehicle while intoxicated, an offense of operating an aircraft while intoxicated, or an offense of operating a watercraft while intoxicated, the offense is a Class A misdemeanor, with a minimum term of confinement of 30 days.

(b) If it is shown at [on] the punishment phase of the trial of an offense under Section 49.04, 49.05, or 49.06 that the person has previously been convicted two times of an offense relating to the operating of a motor vehicle while intoxicated, an offense of operating an aircraft while intoxicated, or an offense of operating a watercraft while intoxicated, the offense is a felony of the third degree.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Dunnam offered the following amendment to **CSHB 3489**:

Amend **CSHB 3489** as follows:

(1) In SECTION 2 of the bill, on page 4, line 16, strike "(d) If a video of a defendant is not made" and substitute "(d) Except as provided by Subsection (e), if a video of a defendant is not made".

(2) In SECTION 2 of the bill, on page 4, between lines 23 and 24, insert the following:

(e) If a videotape of a defendant is not made because of a malfunction in the county's videotaping equipment:

(1) the provisions of Subsection (d) making the analysis of the specimen or the defendant's refusal inadmissible do not apply; and

(2) if the unavailability of the videotape is not because of the fault of the defendant, the jury shall be instructed that it may infer that the

videotape, if the videotape were to have been available, would have been unfavorable to the prosecution's case against the defendant.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Keel offered the following amendment to **CSHB 3489**:

Amend **CSHB 3489** by striking SECTION 2 of the bill.

Representative Dunnam moved to table Amendment No. 3.

A record vote was requested.

The motion to table was lost by (Record 339): 29 Yeas, 112 Nays, 3 Present, not voting.

Yeas — Bailey; Burnam; Capelo; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Flores; Garcia; Giddings; Glaze; Gray; Hartnett; Hodge; Jones, J.; Lewis, G.; Maxey; Moreno, P.; Noriega; Olivo; Rangel; Reyna, A.; Solis, J.; Tillery; Uresti; Wilson; Wise.

Nays — Alexander; Alvarado; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Davis, J.; Davis, Y.; Delisi; Denny; Driver; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; George; Goodman; Goolsby; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, R.; Longoria; Luna; Madden; Marchant; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Oliveira; Palmer; Pickett; Pitts; Puente; Ramsay; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Van de Putte; Walker; West; Williams; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Crownover; Jones, C.

Absent — Coleman; Danburg; Smithee; Turner, S.

Amendment No. 3 was adopted without objection.

CSHB 3489, as amended, was passed to engrossment. (Culberson recorded voting no)

CSHB 3495 ON SECOND READING (by Dunnam)

CSHB 3495, A bill to be entitled An Act relating to the requirement that the motor vehicle of a person convicted of certain offense involving the operation of a motor vehicle while intoxicated be equipped with an ignition interlock device.

CSHB 3495 was passed to engrossment. (Culberson recorded voting no)

CSHB 3758 ON SECOND READING
(by Giddings)

CSHB 3758, A bill to be entitled An Act relating to the approval of doctors who provide medical treatment.

Amendment No. 1

Representative Giddings offered the following amendment to **CSHB 3758**:

Amend **CSHB 3758**, on page 1, by striking lines 4 through 24 and substituting the following:

SECTION 1. Section 408.023, Labor Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) Each doctor licensed in this state on January 1, 1993, is on the commission's list of approved doctors unless subsequently deleted and not reinstated. Each doctor who performs services under this subtitle and commission rules, including required medical examinations under Section 408.004 and medical utilization review evaluations for insurance carriers, is required to be on the commission's list of approved doctors to perform the service or to receive payment for services. The name of a doctor shall be placed on the list of approved doctors when that doctor becomes licensed in this state. A doctor not licensed in this state but licensed in another state or jurisdiction who treats employees or performs services under this subtitle may not [apply to the commission to] be included on the list, except that the commission may grant an exception to this requirement to ensure that employees who do not reside in this state have access to medical care and to allow the commission to perform necessary review functions.

(c) A doctor may apply in writing to the commission to have the doctor's name removed from the commission's list of approved doctors. A doctor whose name is deleted on request may apply for reinstatement.

(d) The commission shall establish procedures for a doctor to apply for reinstatement to the list.

Amendment No. 1 was adopted without objection.

CSHB 3758, as amended, was passed to engrossment.

CSHB 1006 ON SECOND READING
(by West)

CSHB 1006, A bill to be entitled An Act relating to the termination of the parent-child relationship of certain parents.

CSHB 1006 was passed to engrossment.

CSHB 1023 ON SECOND READING
(by Garcia)

CSHB 1023, A bill to be entitled An Act relating to the registration of wall and ceiling contractors; providing a penalty.

Representative Talton raised a point of order against further consideration of **CSHB 1023** under Rule 4, Section 32(c)(4) of the House Rules on the grounds that the rulemaking authority statement in the bill analysis fails to identify all sections of the measure in which rulemaking authority is delegated.

The point of order was withdrawn.

Representative Garcia moved to postpone consideration of **CSHB 1023** until 4:30 p.m. today.

The motion prevailed without objection.

CSHB 2009 ON SECOND READING
(by Palmer, et al.)

CSHB 2009, A bill to be entitled An Act relating to the qualifications for service as constable.

CSHB 2009 was passed to engrossment.

CSHB 2298 ON SECOND READING
(by Tillery, J. F. Solis, A. Reyna, et al.)

CSHB 2298, A bill to be entitled An Act relating to benefits for certain disabled peace officers.

CSHB 2298 was passed to engrossment.

CSHB 2437 ON SECOND READING
(by Uher and Gallego)

CSHB 2437, A bill to be entitled An Act relating to disability retirement benefits for certain peace officers under the Employees Retirement System of Texas.

CSHB 2437 was passed to engrossment.

CSHB 3135 ON SECOND READING
(by A. Reyna, Van de Putte, Siebert, McClendon, et al.)

CSHB 3135, A bill to be entitled An Act relating to state and local funding and agreements supporting the bids of certain municipalities to host the 2007 Pan American Games; providing a penalty.

CSHB 3135 - LAID ON THE TABLE SUBJECT TO CALL

Representative A. Reyna moved to lay **CSHB 3135** on the table subject to call.

The motion prevailed without objection.

HB 3308 ON SECOND READING
(by Thompson)

HB 3308, A bill to be entitled An Act relating to the payment of certain costs incurred in connection with a suit to collect delinquent ad valorem taxes.

Representative Alvarado moved to postpone consideration of **HB 3308** until 10 a.m. tomorrow.

The motion prevailed without objection.

CSHB 108 ON SECOND READING
(by Alvarado)

CSHB 108, A bill to be entitled An Act relating to motor vehicle liability insurance for vehicles operated by peace officers in certain counties.

CSHB 108 was passed to engrossment.

HB 106 ON SECOND READING
(by Alvarado)

HB 106, A bill to be entitled An Act relating to creation of an offense involving presence of a minor on premises covered by certain alcoholic beverage permits or licenses.

Amendment No. 1

Representative Alvarado offered the following amendment to **HB 106**:

1. Amend **HB 106** on Page 1, Line 7, by striking "106.15" and substituting in lieu thereof "106.16".

2. Amend **HB 106** on Page 1, Line 10, by inserting "32," between "29," and "69,".

3. Amend **HB 106** on Page 1, Line 16, by inserting "the minor's" between "parent or" and "adult spouse".

Amendment No. 1 was adopted without objection.

HB 106, as amended, was passed to engrossment.

CSHB 34 ON SECOND READING
(by Goolsby)

CSHB 34, A bill to be entitled An Act relating to the regulation of professional geoscientists; providing penalties.

CSHB 34 - LAID ON THE TABLE SUBJECT TO CALL

Representative Goolsby moved to lay **CSHB 34** on the table subject to call.

The motion prevailed without objection.

CSHB 500 ON SECOND READING
(by Averitt, Christian, Corte, et al.)

CSHB 500, A bill to be entitled An Act relating to the liability of certain health care providers.

CSHB 500 - LAID ON THE TABLE SUBJECT TO CALL

Representative Averitt moved to lay **CSHB 500** on the table subject to call.

The motion prevailed without objection.

CSHB 394 ON SECOND READING
(by Longoria)

CSHB 394, A bill to be entitled An Act relating to the exemption of certain peace officers from provisions of the Private Investigators and Private Security Agencies Act.

Amendment No. 1

Representative Longoria offered the following amendment to **CSHB 394**:

Amend **CSHB 394** as follows:

- (1) On page 9, line 7, strike "\$35" and substitute "\$250".
- (2) On page 9, line 10, strike "\$25" and substitute "\$225, as a licensing fee.".
- (3) On page 9, line 11, strike "\$10" and substitute "\$25, as a registration fee.".

(Speaker in the chair)

Amendment No. 1 was adopted without objection.

CSHB 394, as amended, was passed to engrossment. (Culberson and Keel recorded voting no)

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 3 and 4).

HR 945 - ADOPTED (by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 945**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 945, Honoring State Representative Henry Cuellar for his public service and congratulating him on his receipt of a doctorate in government from The University of Texas at Austin.

HR 945 was read and was adopted without objection.

POSTPONED BUSINESS

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

HB 3764 ON SECOND READING (by Gallego)

HB 3764, A bill to be entitled An Act relating to the rulemaking power of districts over wells in certain counties.

HB 3764 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 3764**:

Amend **HB 3764** by striking Section 1 and adding the following:

SECTION 1. Limitation on Rulemaking Power of Districts Over Wells in Certain Counties.

Except as provided by Section 36.117, a district that is created under this chapter on or after September 1, 1991, shall exempt from regulation under this chapter a well and any water produced or to be produced by a well that is located in a county that has a population of 14,000 or less if the water is to be used solely to supply a municipality that has a population of [~~115,000~~]

120,000 or less but more than 30,000 and the rights to the water produced from the well are owned by a political subdivision that is not a municipality, or by a municipality that has a population of [~~93,000~~] 120,000 or less but more than 30,000, and that purchased, owned, or held rights to the water before the date on which the district was created, regardless of the date the well is drilled or the water is produced. The district may not prohibit the political subdivision or municipality from transporting produced water inside or outside the district's boundaries.

Amendment No. 1 was adopted without objection.

HB 3764, as amended, was passed to engrossment.

GENERAL STATE CALENDAR
(consideration continued)

SB 310 ON SECOND READING
(Janek - House Sponsor)

SB 310, A bill to be entitled An Act relating to the regulation of occupational therapists; providing for administrative penalties.

SB 310 was considered in lieu of **HB 867**.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Coleman, Representative Janek offered the following committee amendment to **SB 310**:

Amend **SB 310** on page 4, line 3, by inserting between "or" and "registered" the word "facility".

Amendment No. 1 was adopted without objection.

SB 310, as amended, was passed to third reading.

HB 867 - LAID ON THE TABLE SUBJECT TO CALL

Representative Janek moved to lay **HB 867** on the table subject to call.

The motion prevailed without objection.

CSHB 949 ON SECOND READING
(by C. Jones, McReynolds, Hawley, et al.)

CSHB 949, A bill to be entitled An Act relating to the application of the Private Investigators and Private Security Agencies Act to reserve peace officers in certain counties.

Representative J. F. Solis raised a point of order against further consideration of **CSHB 949** under Rule 4, Section 32(b) (9) and (10) of the House Rules on the grounds that the summary of committee action indicates that testimony was taken during the April 20 hearing of the Public Safety Committee, but no witness list is attached to the committee report.

The speaker sustained the point of order.

The bill was returned to the Committee on Public Safety.

CSHB 1029 ON SECOND READING
(by Keffer, Christian, and Berman)

CSHB 1029, A bill to be entitled An Act relating to the requirements for competitive bidding and proposal procedures in certain municipalities.

Amendment No. 1

Representative Keffer offered the following amendment to **CSHB 1029**:

Amend **CSHB 1029** on page 1, line 14, by striking "insurance insurance" and substituting "insurance".

Amendment No. 1 was adopted without objection.

CSHB 1029, as amended, was passed to engrossment.

HB 2312 ON SECOND READING
(by Chisum)

HB 2312, A bill to be entitled An Act relating to a prohibition on a requirement for air dispersion modeling before beginning construction of a concrete plant.

HB 2312 - LAID ON THE TABLE SUBJECT TO CALL

Representative Chisum moved to lay **HB 2312** on the table subject to call.

The motion prevailed without objection.

CSHB 1911 ON SECOND READING
(by Cuellar and Craddick)

CSHB 1911, A bill to be entitled An Act relating to payments to be made under certain leases for the exploration and production by surface mining of certain minerals.

CSHB 1911 was passed to engrossment.

CSHB 2202 ON SECOND READING
(by Tillery, Naishtat, Coleman, and Salinas)

CSHB 2202, A bill to be entitled An Act relating to health centers on public school campuses.

Amendment No. 1

Representative Isett offered the following amendment to **CSHB 2202**:

Amend **CSHB 2202** as follows:

On page 4, line 5 after "shall" insert "make a good faith effort to identify and".

On page 4, line 7 after "area" insert ". The council shall keep a record of efforts made to coordinate with existing providers.".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives Wohlgemuth and Isett offered the following amendment to **CSHB 2202**:

Amend **CSHB 2202** (House committee printing) as follows:

(1) On page 2, line 13, strike "or counseling" and substitute ". counseling, or referrals".

(2) On page 3, line 11, strike "The" and substitute: In addition to the appointees who are parents of students, the

(3) On page 4, strike lines 2-13 and substitute:

(i) If a school-based health center is located in an area described by Subsection (j), the school district and the advisory council established under Subsection (g) shall coordinate with existing providers to preserve and protect existing health care systems and medical relationships in the area.

(4) On page 5, line 1, strike "(l)" and substitute:

(l) The staff of a school-based health center shall, before delivering a medical service to a person with a primary care physician under the state Medicaid program, a state children's health plan program, or a private health insurance or health benefit plan, notify the physician for the purpose of sharing medical information and obtaining authorization for delivering the medical service.

(m)

(5) On page 5, line 5, strike "or".

(6) On page 5, line 6, between "plans" and the period, insert:

, or the ability of those using a school-based clinic to pay for the services

(7) On page 5, line 7, strike "(m)" and substitute "(n)".

(8) On page 5, line 12, strike "(m)" and substitute "(n)".

(9) On page 5, line 14, strike "(n)" and substitute "(o)".

(10) On page 5, line 17, strike "(m)" and substitute "(n)".

(11) On page 5, line 22, strike "(o)" and substitute "(p)".

(12) On page 6, line 2, strike "(p)" and substitute "(q)".

(13) On page 6, line 13, strike "and mental".

(14) On page 6, line 21, strike "and mental".

(15) On page 6, line 23, strike "(shall)" and substitute "(may)".

(16) On page 6, line 25, strike "(q)" and substitute "(r)".

(17) On page 7, line 11, strike "(r)" and substitute "(s)".

(18) On page 7, line 15, strike "(q)" and substitute "(r)".

Amendment No. 2 was adopted without objection.

CSSB 2202, as amended, was passed to engrossment. (Berman, Clark, Culberson, Heflin, Shields, and Solomons recorded voting no)

POSTPONED BUSINESS

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

CSSB 369 ON SECOND READING **(Bosse and Naishtat - House Sponsors)**

CSSB 369, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Human Services.

CSSB 369 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Bosse offered the following amendment to **CSSB 369**:

Amend **CSSB 369** as follows:

(1) Insert the following sections, appropriately numbered, and renumber the subsequent sections of the bill accordingly:

SECTION _____. Section 31.0031(c), Human Resources Code, is amended to read as follows:

(c) Subject to the requirements of Section 31.00321, the [The] department shall adopt rules governing sanctions and penalties under this section to or for:

(1) a person who fails to comply with each applicable requirement of the responsibility agreement prescribed by this section; and

(2) the family of a person who fails to comply with the requirement of the responsibility agreement under Subsection (d)(1) or (4).

SECTION _____. Sections 31.0032(a) and (c), Human Resources Code, are amended to read as follows:

(a) If after an investigation the department determines that a person is not complying with a requirement of the responsibility agreement required under Section 31.0031, the department shall apply appropriate sanctions or penalties regarding the assistance provided to or for that person or that person and the person's family under this chapter.

(c) This section does not prohibit the department from providing medical assistance, child care, or any other social or support services for a person who or a family that is [an individual] subject to sanctions or penalties under this chapter.

SECTION _____. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.00321 to read as follows:

Sec. 31.00321. PENALTIES AND SANCTIONS FOR NONCOMPLIANCE WITH CERTAIN REQUIREMENTS. (a) This section applies only to the application of sanctions or penalties to a person who, without good cause as determined under Section 31.0033, fails or refuses to comply with a requirement of the responsibility agreement under Section 31.0031(d)(1) or (4).

(b) On a person's first failure or refusal to comply with a requirement of the responsibility agreement under Section 31.0031(d)(1), the department shall reduce the amount of financial assistance provided to or for each adult person in the family who is not in compliance for a period of one month or until each adult member of the family complies, whichever is later. If each adult member of the family has not complied with the requirement under Section 31.0031(d)(1) after six months, the department may, on the recommendation of the Title IV-D agency and subject to the requirements of Section 31.00331, terminate the total amount of financial assistance provided to or for the person and the person's family.

(c) On a person's second or subsequent failure or refusal to comply with the requirement of the responsibility agreement under Section 31.0031(d)(1), the department shall reduce the amount of financial assistance provided to or for each adult person in the family who is not in compliance for a period of two months or until each adult member of the family complies, whichever is later. If each adult member of the family has not complied with the requirement under Section 31.0031(d)(1) after three months, the department may, on the recommendation of the Title IV-D agency and subject to the

requirements of Section 31.00331, terminate the total amount of financial assistance provided to or for the person and the person's family.

(d) On a person's first failure or refusal to comply with a requirement of the responsibility agreement under Section 31.0031(d)(4), the department shall reduce the amount of financial assistance provided to or for each adult person in the family who is not in compliance for a period of one month or until each adult member of the family complies, whichever is later. If each adult member of the family has not complied with the requirement under Section 31.0031(d)(4) after three months, the department shall, subject to the requirements of Section 31.00331, terminate the total amount of financial assistance provided to or for the person and the person's family.

(e) On a person's second failure or refusal to comply with the requirement of the responsibility agreement under Section 31.0031(d)(4), the department shall reduce the amount of financial assistance provided to or for each adult person in the family who is not in compliance for a period of two months or until each adult member of the family complies, whichever is later. If each adult member of the family has not complied with the requirement under Section 31.0031(d)(4) after three months, the department shall, subject to the requirements of Section 31.00331, terminate the total amount of financial assistance provided to or for the person and the person's family.

(f) On a person's third or subsequent failure or refusal to comply with the requirement of the responsibility agreement under Section 31.0031(d)(4), the department shall, subject to the requirements of Section 31.00331, terminate the total amount of financial assistance provided to or for the person and the person's family.

SECTION _____. (a) The Texas Department of Human Services is required to implement Sections 31.00321(b) and (c), Human Resources Code, as added by this Act, only if the department and the Title IV-D agency have filed the report required by Subsection (b) of this section.

(b) The department and the Title IV-D agency shall prepare and file a report with the governor, lieutenant governor, speaker of the house of representative, and standing committees of the legislature with jurisdiction over the department or the Title IV-D agency regarding the efforts of the department and the agency to establish paternity and collect child support on behalf of children whose families receive financial assistance under Chapter 31, Human Resources Code.

(c) The report required by Subsection (b) must:

(1) review existing relevant procedures and policies, including procedures and policies relating to case management, interactions with clients, interagency operations, and sanctions;

(2) review the efforts of other states to improve paternity establishment and child support enforcement through the use of incentive programs, improvements in case management, interactions with clients, interagency operations, and use of sanctions;

(3) clarify the department's and the agency's respective responsibilities regarding:

(A) the establishment and enforcement of child support;

and

(B) interactions with clients;

(4) provide recommendations for improvements and a plan for achieving the improvements; and

(5) provide an implementation plan for the sanction process outlined in Sections 31.00321(b) and (c), Human Resources Code, as added by this Act, including guidelines for caseworkers regarding promoting compliance with child support requirements and appropriately using the sanctions process.

(d) The department and the Title IV-D agency shall file with the 77th Legislature an updated report based on the report required by Subsection (b) of this section. In addition to the information required by Subsections (c)(1) through (4), the updated report must include information regarding the implementation of Sections 31.00321(b) and (c), Human Resources Code, as added by this Act, including:

(1) the number of clients sanctioned;

(2) the duration of sanctions imposed;

(3) the number of clients for whom the total amount of financial assistance provided to or for the client and the client's family was terminated; and

(4) the efforts of the department and the Title IV-D agency to work with clients to remove sanctions and promote compliance with the requirements with which the client had previously failed to comply.

SECTION _____. Section 31.0033(c), Human Resources Code, is amended to read as follows:

(c) If the department finds that good cause for noncompliance was not shown at a hearing, the department shall apply appropriate sanctions or penalties to or for that person or that person and the person's family until the department determines that the person is in compliance with the terms of the responsibility agreement.

SECTION _____. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.00331 to read as follows:

Sec. 31.00331. CASE REVIEW AND COMPLIANCE PLAN ON NONCOMPLIANCE WITH CERTAIN REQUIREMENTS. (a) Before termination of all financial assistance for a person or the person's family under Section 31.00321, the department, the Texas Workforce Commission or a local workforce development board, as appropriate, and, if applicable, the Title IV-D agency shall conduct a case review to determine the reasons for:

(1) the noncompliance of the person with a requirement of the responsibility agreement under Section 31.0031(d)(1) or (4); and

(2) the application of penalties or sanctions against the person or the person and the person's family because of the noncompliance.

(b) The case review under Subsection (a) must:

(1) include an administrative review of the person's case file to determine whether:

(A) the sanction or penalty is being applied correctly; and

(B) information about compliance or relevant exemptions has been accurately shared between the department and the appropriate agencies specified under Subsection (a);

(2) document efforts made by the department to contact the person directly;

(3) identify factors that contributed to the person's inability to comply with the requirement of the responsibility agreement under Section 31.0031(d)(1) or (4) for which the person is being sanctioned or penalized; and

(4) determine the support services that will enable the person to comply with that requirement.

(c) Based on the case review conducted under this section, the department may develop a compliance plan for the person. The compliance plan may require the person to take specific actions or engage in specific activities as evidence of compliance with a requirement of the responsibility agreement under Section 31.0031(d)(1) or (4) with which the person has previously not complied. The compliance plan may also provide referrals to appropriate preventive and support services to address and remove barriers to compliance encountered by the person.

(d) Notwithstanding Section 31.00321, the department may not apply a sanction or penalty against a person for noncompliance with a requirement under Section 31.0031(d)(1) or (4) if:

(1) a compliance plan was developed for the person under Subsection (c) and the person has complied with the terms of that plan;

(2) the case review conducted under Subsection (a) identified a legitimate good cause for noncompliance; or

(3) the administrative review of the person's case file required under Subsection (b)(1) resulted in a determination that the imposition of the sanction or penalty was erroneous because of inaccurate information.

(e) A person who is sanctioned under Section 31.00321 for noncompliance with the requirement of the responsibility agreement under Section 31.0031(d)(4) and who finds employment is:

(1) considered to have complied with the requirements of Section 31.0031(d)(4); and

(2) eligible for child care assistance under this chapter and transitional medical assistance under Chapter 32 to the extent allowed by federal law and established by department and Texas Workforce Commission rule.

(f) The department and the Texas Workforce Commission or a local workforce development board, as appropriate, may contract with community-based organizations, academic institutions, or other appropriate entities to provide services that are determined to be necessary in the case review conducted under this section.

SECTION _____. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.0039 to read as follows:

Sec. 31.0039. INELIGIBILITY RESULTING FROM DRUG-RELATED FELONY CONVICTIONS. (a) A person is permanently ineligible for financial assistance if the person is convicted, for conduct occurring after September 1, 1999, of an offense under federal law or the law of this state or any other state that at the time of the conviction is classified as a felony by the jurisdiction involved and has as an element the manufacture or delivery of a controlled substance, as defined in 21 U.S.C. Section 802 and its subsequent amendments.

(b) Except as provided by Subsection (d), a person who is convicted, for

conduct occurring after September 1, 1999, of an offense under federal law or the law of this state or any other state that at the time of the conviction is classified as a felony by the jurisdiction involved and has as an element the possession or use of a controlled substance, as defined in 21 U.S.C. Section 802 and its subsequent amendments, is ineligible for financial assistance until the third anniversary of the date of the conviction. If the person is subsequently convicted of another offense described by this subsection, the person is permanently ineligible for financial assistance.

(c) The department shall require an applicant for financial assistance to indicate in writing whether the applicant or any member of the applicant's household has been convicted one or more times of an offense described by Subsection (a) or (b), and, if applicable, provide the department with the date of each conviction.

(d) A person convicted of an offense described by Subsection (b), other than a person who is subsequently convicted of a second offense described by that subsection, is not ineligible for financial assistance during the three-year period prescribed by that subsection if the person:

(1) has completed any sentence of confinement or imprisonment imposed by the court in connection with the conviction;

(2) is in compliance with the terms and conditions of any parole or community supervision; and

(3) has completed or is participating in a drug rehabilitation, counseling, or support program.

(e) The department shall adopt rules as necessary to implement this section.

(f) This section does not affect:

(1) the eligibility for financial assistance of any other member of the household of a person ineligible as a result of a conviction of an offense described by Subsection (a) or (b); or

(2) the eligibility of a person convicted of an offense described by Subsection (a) or (b) for a federal benefit specified in 21 U.S.C. Section 862a(f) and its subsequent amendments.

SECTION _____. Chapter 33, Human Resources Code, is amended by adding Section 33.014 to read as follows:

Sec. 33.014. INELIGIBILITY RESULTING FROM DRUG-RELATED FELONY CONVICTIONS. (a) A person is permanently ineligible for food stamps if the person is convicted, for conduct occurring after September 1, 1999, of an offense under federal law or the law of this state or any other state that at the time of the conviction is classified as a felony by the jurisdiction involved and has as an element the manufacture or delivery of a controlled substance, as defined in 21 U.S.C. Section 802 and its subsequent amendments.

(b) Except as provided by Subsection (d), a person who is convicted, for conduct occurring after September 1, 1999, of an offense under federal law or the law of this state or any other state that at the time of the conviction is classified as a felony by the jurisdiction involved and has as an element the possession or use of a controlled substance, as defined in 21 U.S.C. Section 802 and its subsequent amendments, is ineligible for food stamps until the third anniversary of the date of the conviction. If the person is

subsequently convicted of another offense described by this subsection, the person is permanently ineligible for food stamps.

(c) The department shall require an applicant for food stamps to indicate in writing whether the applicant or any member of the applicant's household has been convicted one or more times of an offense described by Subsection (a) or (b), and, if applicable, provide the department with the date of each conviction.

(d) A person convicted of an offense described by Subsection (b), other than a person who is subsequently convicted of a second offense described by that subsection, is not ineligible for food stamps during the three-year period prescribed by that subsection if the person:

(1) has completed any sentence of confinement or imprisonment imposed by the court in connection with the conviction;

(2) is in compliance with the terms and conditions of any parole or community supervision; and

(3) has completed or is participating in a drug rehabilitation, counseling, or support program.

(e) The department shall adopt rules as necessary to implement this section.

(f) This section does not affect:

(1) the eligibility for food stamps of any other member of the household of a person ineligible as a result of a conviction of an offense described by Subsection (a) or (b); or

(2) the eligibility of a person convicted of an offense described by Subsection (a) or (b) for a federal benefit specified in 21 U.S.C. Section 862a(f) and its subsequent amendments.

SECTION _____. Chapter 22, Human Resources Code, is amended by adding Section 22.0271 to read as follows:

Sec. 22.0271. SUBPOENA AUTHORITY: FRAUD INVESTIGATIONS.

(a) The department may issue a subpoena throughout this state to compel the attendance and testimony of a witness or the production of documents or other evidence relating to an investigation by the department of a potentially fraudulent claim for benefits or other payment under the food stamp program or the financial assistance program. The subpoena may compel attendance or production at the department's offices in Austin or at another place designated in the subpoena.

(b) The department by rule may authorize the commissioner or another department employee or representative to issue a subpoena authorized by this section on behalf of the department.

(c) On a person's failure to comply with a subpoena issued under this section, the department shall apply for an order directing compliance to the district court of the county in which the person is found, resides, or transacts business.

(d) A subpoena issued under this section to a financial institution is not subject to Section 30.007, Civil Practice and Remedies Code.

SECTION _____. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.017 to read as follows:

Sec. 31.017. FRAUD. (a) For purposes of establishing or maintaining the eligibility of the person and the person's family for financial assistance or for

purposes of increasing or preventing a reduction in the amount of the assistance, a person may not intentionally:

- (1) make a statement that the person knows is false or misleading;
- (2) misrepresent, conceal, or withhold a fact; or
- (3) represent a statement to be true if the person knows the statement is false.

(b) If after an investigation the department determines that a person has violated this section, the department shall:

- (1) notify the person of the alleged violation not later than the 30th day after the date the investigation is completed and conduct a hearing; or
- (2) refer the matter to the appropriate district attorney for prosecution.

(c) If a hearing officer at an administrative hearing held under this section determines that a person has violated this section, the department shall:

- (1) after the first violation, terminate the total amount of financial assistance provided to or for that person until the first anniversary of the date the assistance was terminated; and
- (2) after the second or a subsequent violation, permanently disqualify the person from receiving financial assistance.

(d) A person whom a hearing officer determines to be in violation of this section may appeal the determination by filing a petition in the district court in the county in which the violation occurred not later than the 30th day after the date of the decision.

(e) If a person is convicted of an offense under the Penal Code for conduct described by this section, a person is permanently disqualified from receiving financial assistance.

SECTION _____. (a) Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.0038 to read as follows:

Sec. 31.0038. EARNED INCOME DISREGARDS FOR EMPLOYMENT.

(a) The purpose of the earned income disregards benefit is to assist a recipient of financial assistance in making a successful transition from the receipt of financial assistance to employment and self-sufficiency.

(b) In this section, "former recipient of the earned income disregards benefit" means a recipient of financial assistance whose earned income has previously been disregarded by the department under this section.

(c) If an adult recipient of financial assistance becomes employed while receiving the assistance, the department may not consider any earned income received by the recipient up to the first six months of employment for purposes of determining:

- (1) the amount of financial assistance granted to an individual for the support of dependent children; or
- (2) whether the family meets household income and resource requirements for financial assistance.

(d) The department may not disregard under Subsection (c) the earned income of a recipient who left a position of employment voluntarily without good cause in the three-month period immediately preceding the date on which the recipient applied for financial assistance.

(e) The department may not disregard under Subsection (c) the earned income of a former recipient of the earned income disregards benefit until the

first anniversary of the day after the last date on which the former recipient's earned income was disregarded under that subsection.

(f) During the period the earned income of a recipient is disregarded by the department under Subsection (c), the department may not exempt the recipient from participating in a work or employment activity under Section 31.012.

(g) In adopting rules under this section, the department shall:

(1) ensure that this section applies only to recipients who have income in an amount that does not exceed the maximum gross income limit set by the department under Section 31.003; and

(2) promote the purpose described by Subsection (a).

(b) The Texas Department of Human Services shall:

(1) monitor the implementation of Section 31.0038, Human Resources Code, as added by this section; and

(2) report to the 77th Legislature on any suggested modifications to Section 31.0038(e), Human Resources Code, as added by this section.

(c) Section 31.043(a), Human Resources Code, as added by Chapter 878, Acts of the 75th Legislature, Regular Session, 1997, is repealed.

SECTION ____. Section 31.043(a), Human Resources Code, as added by Chapter 878, Acts of the 75th Legislature, Regular Session, 1997, is repealed.

SECTION ____. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.0096 to read as follows:

Sec. 31.0096. POST-EMPLOYMENT ASSESSMENT AND SERVICES. (a) The Texas Workforce Commission or the local workforce development board, as appropriate, in coordination with the department, shall jointly develop a program under which a recipient of financial assistance who obtains employment is:

(1) assessed after beginning employment to determine the recipient's need for continuing education, training, and other services to promote employment retention and advancement to more highly skilled and compensated employment; and

(2) provided appropriate services to the extent the services are available.

(b) The department shall ensure that a recipient of financial assistance who obtains employment receives clear notification of any medical assistance under Chapter 32 and any food stamp benefits under Chapter 33 for which the recipient or the recipient's family remains eligible.

SECTION ____. (a) Section 31.012, Human Resources Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) A person who is the caretaker of a physically or mentally disabled child who requires the caretaker's presence is not required to participate in a program under this section. Effective January 1, 2000, a single person who is the caretaker of a child [September 1, 1995, a person] is not required to participate in a program under this section until the caretaker's [person's] youngest child at the time the caretaker [person] first became eligible for assistance reaches the age of three [five]. Effective September 1, 2000 [1997], a single person who is the caretaker of a child is exempt until the caretaker's [person's] youngest child at the time the caretaker [person] first became

eligible for assistance reaches the age of ~~two~~ four. Effective September 1, 2001, a single person who is the caretaker of a child is exempt until the caretaker's youngest child at the time the caretaker first became eligible for assistance reaches the age of one. Notwithstanding Sections 31.0035(b) and 32.0255(b), the department shall provide to a person who is exempt under this subsection and who voluntarily participates in a program under Subsection (a)(2) six months of transitional benefits in addition to the applicable limit prescribed by Section 31.0065.

(f) In this section, "caretaker of a child" means the parent or relative of a dependent child with whom the child primarily resides, including a parent or relative who has been appointed under a court order as sole managing conservator or joint managing conservator of the child.

(b) Before implementing any provision of Subsection (c), Section 31.012, Human Resources Code, as amended by this section, the Texas Department of Human Services shall work in conjunction with the Texas Workforce Commission or a local workforce development board, as appropriate, to develop and implement a client education effort targeted at clients affected by the changes to that section. The department shall inform each client whose exemption status is affected of the pending change, the timeline for the change, and the effect of the change on the client's work requirements and time limits.

(c) If, before implementing any provision of Subsection (c), Section 31.012, Human Resources Code, as amended by this section, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation, the agency shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

(d) If a waiver or authorization requested under Subsection (c) of this section is denied, the Texas Department of Human Services shall develop and implement a plan relating to authorizing exemptions from participation in work or employment activity requirements for certain recipients of Temporary Assistance for Needy Families benefits in a manner that complies with federal law and regulations.

(e) Notwithstanding Section 31.012(c), Human Resources Code, as amended by this section:

(1) a person receiving financial assistance under Chapter 31, Human Resources Code, on December 31, 1999, remains subject to the exemptions from participation in work or employment activity requirements under Section 31.012(c), Human Resources Code, as it existed immediately before the effective date of this section, until the person's first recertification date for the receipt of that assistance that occurs on or after January 1, 2000;

(2) a person receiving financial assistance under Chapter 31, Human Resources Code, on August 31, 2000, remains subject to the exemptions from participation in work or employment activity requirements under Section 31.012(c), Human Resources Code, as it exists on January 1, 2000, until the person's first recertification date for the receipt of that assistance that occurs on or after September 1, 2000; and

(3) a person receiving financial assistance under Chapter 31, Human Resources Code, on August 31, 2001, remains subject to the exemptions

from participation in work or employment activity requirements under Section 31.012(c), Human Resources Code, as it exists on September 1, 2000, until the person's first recertification date for the receipt of that assistance that occurs on or after September 1, 2001.

(f) This section applies only to a person who receives financial assistance under Chapter 31, Human Resources Code, on or after the effective date of this section, regardless of the date on which eligibility for that assistance was determined.

SECTION _____. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.013 to read as follows:

Sec. 31.013. PERFORMANCE-BASED BONUS PROGRAM FOR LOCAL WORKFORCE DEVELOPMENT BOARDS. (a) The Texas Workforce Commission shall develop and implement a performance-based bonus program to reward efforts by local workforce development boards in preparing, placing, and maintaining recipients of financial assistance in jobs that pay self-sustaining wages and that allow the recipients to become independent of financial assistance and, if applicable, food stamps.

(b) In developing criteria for the bonus program, the commission may consider:

- (1) differences in economic conditions, including area wages;
- (2) regional median wages;
- (3) average county wages; and
- (4) federal poverty guidelines.

(c) A local workforce development board shall use funds provided under this section for expenses relating to education, training, and support services necessary to prepare, place, and maintain recipients of financial assistance in jobs that pay self-sustaining wages.

(d) The commission may also provide for payment of additional amounts to a local workforce development board under the bonus program based on the wage level attained by recipients of financial assistance served by the board and the length of time that those recipients maintain employment.

(e) The commission by rule shall develop performance measures for the bonus program under this section.

SECTION _____. (a) Section 33.025, Human Resources Code, is amended to read as follows:

Sec. 33.025. NUTRITION EDUCATION AND OUTREACH FOR THOSE ELIGIBLE FOR FOOD STAMPS. (a) The department shall develop and implement a plan of operation to provide nutrition education and outreach to persons eligible for food stamps.

(b) The plan of operation [for education and outreach] shall:

- (1) ensure that low-income consumers are provided with informational materials that include [but are not limited to] information on:
 - (A) food budgeting for low-income consumers;
 - (B) purchasing and preparing low-cost nutritional meals;
 - (C) basic nutrition and healthy foods;
 - (D) the availability of food stamps;
 - (E) the eligibility requirements for food stamps; and
 - (F) the application procedures for receiving food stamps;

(2) identify a target population for the informational activities, which may include:

- (A) recipients of the Supplemental Food Program for Women, Infants and Children;
- (B) families which have children who are eligible for the free or reduced-priced meals programs;
- (C) recipients of commodity surplus foods;
- (D) senior citizens attending nutrition sites and participating in nutritional activities;
- (E) clients of emergency food pantries;
- (F) farm workers or migrants; and
- (G) others who may benefit from the information including ~~[but not limited to]~~ senior citizens, persons with disabilities, and working poor families;

(3) identify geographical areas, if any, which specifically will be targeted; and

(4) ensure that all informational activities are multilingual and available in accessible alternative formats.

(c) The plan of operation may include the use of public service announcements on radio and television regarding nutritional assistance.

(d) The department shall submit the plan of operation to the Food and Nutrition Service of the United States Department of Agriculture for approval, making the department eligible for reimbursement for 50 percent of the cost of the informational activities.

(e) [~~(d)~~] The department shall cooperate with other state agencies that currently operate nutrition education programs.

(f) In developing and implementing the plan of operation, the department shall enlist the assistance of public and private nonprofit agencies that operate nutrition education and outreach programs, including:

- (1) food banks;
- (2) food pantries or soup kitchens; and
- (3) organizations, including faith-based organizations, that serve persons at risk of hunger.

(g) [~~(e)~~] The department shall enlist the assistance of pro bono public relations firms where available.

(b) On or after the effective date of this Act, the Texas Department of Human Services shall implement Section 33.025, Human Resources Code, as amended by this Act, based on the amount of funds appropriated for that purpose.

SECTION _____. Section 31.0315, Human Resources Code, is amended by adding Subsection (g) to read as follows:

(g) Subject to the availability of funds, the department, in cooperation with the Title IV-D agency, may by rule develop an incentive program designed to improve paternity establishment and child support enforcement. The program may include incentives to an applicant or an applicant's relatives in the form of:

- (1) a one-time financial bonus in addition to the amount of financial assistance granted to the applicant under Section 31.003;

(2) an increase in the amount of financial assistance granted to the applicant under Section 31.003; or

(3) to the extent authorized by federal law, an increase in the amount of collected child support distributed to the applicant.

SECTION _____. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.0041 to read as follows:

Sec. 31.0041. CHILD SUPPORT DISTRIBUTION. (a) In this section, "Title IV-D agency" has the meaning assigned by Section 101.033, Family Code.

(b) The department may not consider the amount of child support that is distributed by the Title IV-D agency to a recipient of financial assistance and that would not otherwise disqualify the recipient or the recipient's family from receiving the assistance for purposes of determining:

(1) the amount of financial assistance granted to an individual under this chapter for the support of dependent children; or

(2) whether the family meets household income and resource requirements for financial assistance under this chapter.

SECTION _____. Subchapter A, Chapter 302, Labor Code, is amended by adding Section 302.0035 to read as follows:

Sec. 302.0035. EMPLOYMENT ASSISTANCE PROGRAM FOR CERTAIN PARENTS. The division shall provide employment assistance services, including skills training, job placement, and employment-related services, to a person referred by the Title IV-D agency under Chapter 231, Family Code.

SECTION _____. Section 31.032(b), Human Resources Code, is amended to read as follows:

(b) After completing its investigation, the department shall determine whether the applicant is eligible for the assistance, the type and amount of assistance, ~~[the date on which the assistance shall begin,]~~ and the manner in which payments shall be made. Subject to the availability of funds appropriated for this purpose, an applicant determined to be eligible for assistance shall be provided assistance beginning on the date on which the applicant applied for assistance.

SECTION _____. Section 31.0355(b), Human Resources Code, is amended to read as follows:

(b) If a recipient of financial assistance who receives the assistance by electronic benefits transfer to an account is authorized to make a cash withdrawal from the account through a provider of the goods or services described by Subsection (a), the recipient may make the cash withdrawal only at the customer service department of the provider and not at the provider's point-of-sale terminal, except as otherwise provided by this subsection. If authorized, a recipient may make a cash withdrawal at a provider's point-of-sale terminal in a manner consistent with the provider's general policies for cash withdrawal by customers.

SECTION _____. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.0242 to read as follows:

Sec. 32.0242. INCOME AND RESOURCE REQUIREMENTS FOR CERTAIN RECIPIENTS. To the extent authorized by federal law, the department shall determine whether a family meets household income and

resource requirements for medical assistance under 42 U.S.C. Section 1396u-1 in the same manner as the department makes household income and resource requirement determinations for financial assistance under Chapter 31. If the method of determining household income and resource requirements under Chapter 31 changes, the change also applies to those requirements for purposes of determining whether a family is eligible for medical assistance described by this section.

SECTION _____. Sections 31.0039 and 33.014, Human Resources Code, as added by this Act, apply only to a person who receives financial assistance under Chapter 31, Human Resources Code, or food stamps under Chapter 33, Human Resources Code, on or after the effective date of this Act, regardless of the date on which eligibility for the financial assistance or food stamps was determined.

(2) Strike page 8, line 7, through page 9, line 13, and substitute the following:

SECTION 8. The section heading to Section 31.0095, Human Resources Code, is amended to read as follows:

Sec. 31.0095. EMPLOYABILITY NEEDS ASSESSMENT.

SECTION 9. The section heading to Section 31.010, Human Resources Code, is amended to read as follows:

Sec. 31.010. SUPPORT SERVICES RELATED TO EMPLOYABILITY OF A RECIPIENT.

SECTION 10. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.011 to read as follows:

Sec. 31.011. PERSONAL AND FAMILIAL NEEDS ASSESSMENT AND SUPPORT SERVICES. (a) The department, in cooperation with the Texas Workforce Commission or a local workforce development board, as appropriate, shall assist a recipient of financial assistance in assessing the skills of the recipient and the needs, other than employability needs assessed under Section 31.0095, of the recipient and the recipient's family that, if addressed, would help the recipient and the recipient's family to attain and retain the capability of independence and self-care.

(b) Based on the needs assessment under this section, the department shall refer the recipient and the recipient's family to appropriate preventive and support services provided by the department or any other public or private entity. Preventive and support services to which the department may refer a recipient and a recipient's family under this section include:

- (1) substance abuse treatment programs;
- (2) domestic violence services;
- (3) child abuse awareness and prevention services;
- (4) health care and nutrition programs;
- (5) parenting skills training;
- (6) life skills training;
- (7) criminal and juvenile justice intervention programs;
- (8) at-risk children and youth programs;
- (9) child support enforcement services;
- (10) literacy programs;
- (11) housing assistance; and
- (12) any other program or service determined by the department to

be appropriate.

(3) On page 36, line 17, strike "Subsection (b)" and substitute "Subsections (b) and (c)".

(4) On page 36, between lines 19 and 20, insert the following:

(c) The changes in law made by Sections 31.0031 and 31.00321, Human Resources Code, take effect September 1, 2000.

Representative Bosse moved to postpone consideration of **CSSB 369** until 6:30 p.m. today.

The motion prevailed without objection.

CSHB 1023 ON SECOND READING
(by Garcia)

CSHB 1023, A bill to be entitled An Act relating to the registration of wall and ceiling contractors; providing a penalty.

CSHB 1023 was read second time earlier today and was postponed until this time.

Representative Garcia moved to postpone consideration of **CSHB 1023** until 6:30 p.m. today.

The motion prevailed without objection.

GENERAL STATE CALENDAR
(consideration continued)

SB 775 ON SECOND READING
(Siebert - House Sponsor)

SB 775, A bill to be entitled An Act relating to the regulation of motor carriers.

SB 775 was considered in lieu of **HB 2400**.

Amendment No. 1

Representative Siebert offered the following amendment to **SB 775**:

Amend **SB 775** by inserting a new SECTION 5 of the bill (House Committee Report, page 3, between lines 24 and 25) to read as follows and renumbering subsequent sections appropriately:

SECTION 5. Section 643.153(f), Transportation Code, is amended to read as follows:

(f) The unauthorized practice of the insurance business under Article 1.14-1, Insurance Code, does not include the offer of insurance by a household goods motor carrier, or its agent, that transports [~~transporting household~~] goods for up to the full value of a customer's property transported or stored, if the offer is authorized by a rule adopted under Subsection (c).

Amendment No. 1 was adopted without objection.

SB 775, as amended, was passed to third reading.

HB 2400 - LAID ON THE TABLE SUBJECT TO CALL

Representative Siebert moved to lay **HB 2400** on the table subject to call.

The motion prevailed without objection.

**CSHB 2978 ON SECOND READING
(by Hamric)**

CSHB 2978, A bill to be entitled An Act relating to requiring an individual convicted of or receiving deferred adjudication for the offense of prostitution to undergo certain medical tests and to the creation of the offense of engaging in prostitution while knowingly infected with certain diseases.

Amendment No. 1

On behalf of Representative Farrar, Representative Hamric offered the following amendment to **CSHB 2978**:

Amend **CSHB 2978** (House committee report) on page 2, line 26, between "defendant" and the period, by inserting: and provide with the notification information on HIV treatment options. The results and treatment options information must be provided in English and Spanish

Amendment No. 1 was adopted without objection.

CSHB 2978, as amended, was passed to engrossment.

**CSHB 124 ON SECOND READING
(by Keel and Hilderbran)**

CSHB 124, A bill to be entitled An Act relating to the promotion of Texas agricultural products and the sale of wine.

Amendment No. 1

Representative Hupp offered the following amendment to **CSHB 124**:

Amend **CSHB 124** by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill appropriately:

SECTION _____. Section 16.05(a), Alcoholic Beverage Code, is amended to read as follows:

(a) A winery permit may be issued for licensed premises in a dry area, but, except as provided by Subsection (b) or Section 16.08, the permittee may not sell wine in a dry area.

Amendment No. 1 was adopted without objection.

CSHB 124, as amended, was passed to engrossment.

**HB 230 ON SECOND READING
(by West)**

HB 230, A bill to be entitled An Act relating to the sales tax on the sale of certain coins and precious metals.

HB 230 was passed to engrossment.

CSHB 1087 ON SECOND READING
(by Driver)

CSHB 1087, A bill to be entitled An Act relating to county enforcement of commercial motor vehicle safety standards.

Amendment No. 1

Representative Driver offered the following amendment to **CSHB 1087**:

Amend **CSHB 1087** as follows:

- (1) On page 1, line 22, strike "270,000" and substitute "1.8 million".
- (2) On page 1, lines 23 and 24, strike "A sheriff's deputy must be recertified biennially to enforce this chapter."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Solomons offered the following amendment to **CSHB 1087**:

Amend **CSHB 1087** as follows:

- (1) On page 1, strike line 8, and substitute "SHERIFFS, SHERIFF'S DEPUTIES, CONSTABLES, OR DEPUTY CONSTABLES. (a) The department shall".
- (2) On page 1, strike line 10, and substitute "municipal police officers, sheriff's deputies, constables, and deputy constables to".
- (3) On page 1, strike line 21, and substitute the following:
 - (c) A sheriff, sheriff's deputy, constable, or deputy constable of a county with a
 - (4) On page 1, line 23, between "deputy" and "must" insert "and deputy constable".
 - (5) On page 2, strike line 4, and substitute "sheriff's deputies, constables, or deputy constables under this section.".
 - (6) On page 2, strike line 15, and substitute the following:
 - (d) A sheriff, sheriff's deputy, constable, or deputy constable who is certified under

Representative Driver moved to table Amendment No. 2.

The motion to table prevailed.

CSHB 1087, as amended, was passed to engrossment.

HB 1256 ON SECOND READING
(by Allen)

HB 1256, A bill to be entitled An Act relating to the operation of the Texas Youth Commission industries program.

HB 1256 was passed to engrossment.

SB 495 ON SECOND READING
(Hawley - House Sponsor)

SB 495, A bill to be entitled An Act relating to the powers and duties of the Office of Defense Affairs and Texas Strategic Military Planning Commission.

SB 495 was considered in lieu of **HB 1286**.

Amendment No. 1

Representative Tillery offered the following amendment to **SB 495**:

Amend **SB 495** as follows:

(1) On page 4, strike lines 8-13.

(2) On page 4, line 23, between "recommendations" and "regarding" insert the following: subject to Board approval

Representative Hawley moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 1 failed of adoption.

SB 495 was passed to engrossment.

HB 1286 - LAID ON THE TABLE SUBJECT TO CALL

Representative Hawley moved to lay **HB 1286** on the table subject to call.

The motion prevailed without objection.

HB 1287 ON SECOND READING
(by **Hilderbran, B. Turner, and Siebert**)

HB 1287, A bill to be entitled An Act relating to the approval of certain permit applications by state and local governments.

Amendment No. 1

Representative Hilderbran offered the following amendment to **HB 1287**:

Amend **HB 1287** as follows:

Strike all below the enacting clause and substitute the following:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that current administrative practices often result in unnecessary governmental regulatory delays that inhibit the economic development of the state.

(b) The legislature intends to establish requirements relating to the bureaucratic obstacles to the processing and issuing of permits and approvals by state agencies to alleviate bureaucratic obstacles to economic development.

SECTION 2. AMENDMENT. Subtitle A, Title 10, government Code, is amended by adding Chapter 2010 to read as follows:

CHAPTER 2010 STATE PERMITS

Sec. 2010.001. DEFINITIONS. In this chapter:

(1) "permit" means a license, certificate, approval, registration, consent permit or other form of authorization required by law, rule, or regulation that a person must obtain to perform an action or initiate a project for which a permit is sought.

(2) "Project" means an endeavor over which a state agency exerts its jurisdiction and for which one or more permits are required to initiate or continue the endeavor.

(3) "State agency" means a bureau, department, division, board, commission, or other agency of the state, acting in its capacity of processing approving or issuing a permit.

Sec. 2010.002 UNIFORMITY OF REQUIREMENTS. (a) each state agency shall consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, rules, expiration dates, or other properly adopted requirements in effect at the time the original application for the permit is filed.

(b) After an application for a permit is filed, a state agency may not shorten the duration of any permit required for the project.

(c) Notwithstanding any provision of this chapter to the contrary, an applicant for a permit may take advantage of a regulation that has changed after application for the permit was made, including changes that lengthen the effective life of the permit after the date the application for the permit was made, without forfeiting any rights under this chapter.

Sec. 2010.003. APPLICABILITY OF CHAPTER. This chapter applies only to a project in progress on or commenced after September 1, 1997. For purposes of this chapter a project was in progress on September 1, 1997, if:

(1) before September 1, 1997:

(A) a regulatory agency approved or issued one or more permits for the project; or

(B) an application for the project was filed with a regulatory agency; and

(2) on or after September 1, 1997, a regulatory agency enacts or otherwise imposes

(A) an order, regulation, ordinance, or rule that in effect retroactively shortens the duration of a permit for the project;

(B) a deadline for obtaining a permit required to continue or complete the project that did not exist before September 1, 1997; or

(C) any requirement for the project that was not applicable to the project before September 1, 1997.

Sec. 2010.004 EXEMPTIONS. (a) This chapter does not apply to:

(1) a permit issued in connection with a form of gaming or gambling;

(2) a permit issued under Title 2, Tax Code;

(3) a permit issued under a program for which a state regulatory agency has received authorization, delegation, or approval from the federal government to implement an equivalent state program in lieu of or as part of the federal program;

(4) state laws, including rules, regulations, or other requirements affecting colonias;

(5) regulations to prevent imminent destruction of property or injury to persons; or

(6) construction standards for public works located on state lands or easements.

(b) The provisions of this chapter do not apply to a permit issued by the Railroad Commission of Texas.

Sec. 2010.005 EFFECT ON COASTAL MANAGEMENT PLANS. This chapter does not:

(1) limit or otherwise affect the authority of a political subdivision, the state, or an agency of the state with respect to the implementation or enforcement of an ordinance, a rule, or a statutory standard of a program, plan, or ordinance that was adopted under the federal Coastal Zone management Act of 1972 (16 U.S.C. Section 1451 et seq.) or Subtitle E. Title 2. Natural Resources Code.

Sec. 2010.006 ENFORCEMENT OF CHAPTER. This chapter may be enforced only through mandamus or declaratory or injunctive relief.

SECTION 3 EFFECT ON JUDICIAL PROCEEDING. This Act does not affect the rights or remedies of any person or entity under a final judgment rendered by a court before the effective date of this Act, or in any litigation pending in a court on the effective date of the Act, involving an interpretation of Subchapter 1, Chapter 481, government Code, as it existed before its repeal by the 75th Legislature.

SECTION 4. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to 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.

Amendment No. 1 was adopted without objection.

HB 1287, as amended, was passed to engrossment.

CSHB 1594 ON SECOND READING **(by Talton)**

CSHB 1594, A bill to be entitled An Act relating to the penalty for certain intoxication offenses and the conditions for release of a defendant charged with or convicted of those offenses, including the use of an ignition interlock device.

Amendment No. 1

Representative Hupp offered the following amendment to **CSHB 1594**:

Amend **CSHB 1594** by adding a new appropriately numbered section to the bill to read as follows and renumbering subsequent sections of the bill accordingly:

SECTION _____. Section 49.07, Penal Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) In this section:

(1) "Miscarriage" means the interruption of the normal development of a fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(2) "Serious[,-"serious] bodily injury" means injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. The term includes any injury that causes a pregnant woman to suffer a miscarriage or stillbirth.

(3) "Stillbirth" means the death of a fetus before the complete expulsion or extraction from its mother, regardless of the duration of the pregnancy, as manifested by the fact that after expulsion or extraction the

fetus does not breathe spontaneously or show any other evidence of life such as heartbeat, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(c) Except as provided by Subsection (d), an [An] offense under this section is a felony of the third degree.

(d) If it is shown on the trial of an offense under this section that the conduct charged caused a pregnant woman to suffer a miscarriage or stillbirth, an offense under this section is a felony of the second degree.

Amendment No. 1 was adopted without objection.

CSHB 1594, as amended, was passed to engrossment.

CSHB 1888 ON SECOND READING

(by Maxey)

CSHB 1888, A bill to be entitled An Act relating to clarifying the judicial immunity applicable to a person who is appointed by a court to serve as trustee of a convalescent or nursing home, an intermediate care facility for the mentally retarded, or a personal care facility.

CSHB 1888 was passed to engrossment.

POSTPONED BUSINESS

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

CSSB 369 ON SECOND READING

(Bosse and Naishtat - House Sponsors)

CSSB 369, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Human Services.

CSSB 369 was read second time earlier today, postponed until 5 p.m., and was again postponed until this time. Amendment No. 1 was before the house at the time of postponement.

Representative Bosse moved to postpone consideration of **CSSB 369** until 8 p.m.

The motion prevailed without objection.

CSHB 1023 ON SECOND READING

(by Garcia)

CSHB 1023, A bill to be entitled An Act relating to the registration of wall and ceiling contractors; providing a penalty.

CSHB 1023 was read second time earlier today, postponed until 4:30 p.m., and was again postponed until this time.

Representative Garcia moved to postpone consideration of **CSHB 1023** until 8 p.m.

The motion prevailed without objection.

GENERAL STATE CALENDAR
(consideration continued)

HB 2017 ON SECOND READING
(by Christian, et al.)

HB 2017, A bill to be entitled An Act relating to the designation of certain state employees as liaisons to faith-based organizations for the purpose of promoting community services for the needy.

Amendment No. 1

Representative Christian offered the following amendment to **HB 2017**:

Amend **HB 2017** as follows:

(1) On page 2, between lines 1 and 2, add a new SECTION 2 to read as follows:

SECTION 1. Section 2308.303(a), Government Code, is amended to read as follows:

(a) A board shall:

(1) serve as a single point of contact for local businesses to communicate their skill needs and to influence the direction of all workforce development programs in the workforce development area;

(2) serve as a private industry council under the Job Training Partnership Act (29 U.S.C. Section 1501 et seq.);

(3) develop a local plan to address the workforce development needs of the workforce development area that:

(A) is responsive to the goals, objectives, and performance standards established by the governor;

(B) targets services to meet local needs, including the identification of industries and employers likely to employ workers who complete job training programs; and

(C) ensures that the workforce development system, including the educational system, has the flexibility to meet the needs of local businesses;

(4) designate the board or another entity as the board's fiscal agent to be responsible and accountable for the management of all workforce development funds available to the board;

(5) create local career development centers under Section 2308.312;

(6) review plans for workforce education to ensure that the plans address the needs of local businesses and recommend appropriate changes in the delivery of education services;

(7) assume the functions and responsibilities of local workforce development advisory boards, councils, and committees authorized by federal or state law, including private industry councils, quality workforce planning committees, job service employer committees, and local general vocational program advisory committees;

(8) monitor and evaluate the effectiveness of the career development centers, state agencies and other contractors providing workforce training and services, and vocational and technical education programs operated by local education agencies and institutions of higher education to ensure that performance is consistent with state and local goals and objectives; and

(9) promote cooperation and coordination among public organizations, community organizations, charitable organizations, religious organizations, and private businesses providing workforce development, in a manner consistent with the nondiscrimination principles and safeguards stated in 42 U.S.C. Section 604a.

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

Amendment No. 1 was adopted.

HB 2017, as amended, was passed to engrossment. (Berman recorded voting yes)

CSHB 2022 ON SECOND READING
(by Garcia)

CSHB 2022, A bill to be entitled An Act relating to the appointment of a small business advocate to head the Office of Small Business Assistance.

Amendment No. 1

On behalf of Representative Cuellar, Representative Garcia offered the following amendment to **CSHB 2022**:

Amend **CSHB 2022** on page 5, line 17, between "needs" and the semicolon, by inserting "including competitive activity with state agencies and political subdivisions".

Amendment No. 1 was adopted without objection.

CSHB 2022, as amended, was passed to engrossment.

HB 2112 ON SECOND READING
(by Bonnen)

HB 2112, A bill to be entitled An Act relating to the punishment for the offense of attempted murder.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Dunnam, Representative Bonnen offered the following committee amendment to **HB 2112**:

Amend **HB 2112** line 11, by striking "19.02(c)" and substitute "19.02".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Dunnam, Representative Bonnen offered the following committee amendment to **HB 2112**:

Amend **HB 2112** on page 1, line 13, by striking "60" and substituting "40".

Amendment No. 2 was adopted without objection.

HB 2112, as amended, was passed to engrossment.

CSHB 2281 ON SECOND READING
(by Garcia, et al.)

CSHB 2281, A bill to be entitled An Act relating to a program of the

Texas Department of Housing and Community Affairs to promote for-profit construction of affordable homes for low and very low income homebuyers.

CSHB 2281 was passed to engrossment.

CSHB 2293 ON SECOND READING
(by Uresti)

CSHB 2293, A bill to be entitled An Act relating to the certification of food managers.

Representative Uresti moved to postpone consideration of **CSHB 2293** until June 1.

The motion prevailed without objection.

CSHB 2481 ON SECOND READING
(by J. Jones)

CSHB 2481, A bill to be entitled An Act relating to municipal regulations concerning insurance for taxicabs.

CSHB 2481 was passed to engrossment.

CSHB 2565 ON SECOND READING
(by Christian and B. Turner)

CSHB 2565, A bill to be entitled An Act relating to payment for health care services provided to certain persons by public hospitals and hospital districts.

Amendment No. 1

Representative Christian offered the following amendment to **CSHB 2565**:

Amend **CSHB 2565** as follows:

(1) On page 1, between lines 4-5, insert new SECTION 1 to read as follows:

SECTION 1. Section 61.004, Health and Safety Code, is amended to read as follows:

Sec. 61.004. RESIDENCE OR ELIGIBILITY DISPUTE. (a) If a provider of assistance and a governmental entity or hospital district cannot agree on a person's residence or whether a person is eligible for assistance under this chapter, the provider or the governmental entity or hospital district may submit the matter to the department.

(b) The provider of assistance and the governmental entity or hospital district shall submit all relevant information to the department.

(c) If the department determines that another governmental entity or hospital district may be involved in the dispute, the department shall notify the governmental entity or hospital district and allow the governmental entity or hospital district to respond.

(d) From the information submitted, the department shall determine the person's residence or whether the person is eligible for assistance under this chapter and shall notify each governmental entity or hospital district and the provider of assistance of the decision and the reasons for the decision.

(e) If a governmental entity, hospital district, or provider of assistance

does not agree with the department's decision, the governmental entity, hospital district, or provider of assistance may file an appeal with the department. The appeal must be filed not later than the 30th day after the date on which the governmental entity, hospital district, or provider of assistance receives notice of the decision.

(f) The department shall issue a final decision not later than the 21st day after the date on which the appeal is filed.

(g) A governmental entity, hospital district, or provider of assistance may appeal the final order of the department under Chapter 2001, Government Code, using the substantial evidence rule on appeal.

(h) Service may not be denied pending an administrative or judicial review of residence.

(2) Renumber SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Christian offered the following amendment to **CSHB 2565**:

Amend **CSHB 2565** as follows:

(1) On page 1, strike lines 7-21 and insert the following:

Sec. 61.0335. INFORMATION NECESSARY TO DETERMINE ELIGIBILITY. (a) Any provider, including a mandated provider, public hospital, or hospital district, that delivers health care services to a patient who the provider suspects is an eligible county resident under this subchapter may require the patient to:

(1) provide any information necessary to establish that the patient is an eligible county resident; and

(2) authorize the release of any information relating to the patient, including medical information and information obtained under Subdivision (1), to permit the provider to submit a claim to the county that is liable under Section 61.033.

(2) On page 2, line 2, strike "public hospital or hospital district" and substitute "provider".

(3) On page 2, strike lines 9-15.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Christian offered the following amendment to **CSHB 2565**:

Amend **CSHB 2565** as follows:

(1) On page 1, line 9, following the word "IN", delete the word "ADJACENT".

(2) On page 1, line 12, delete "an adjacent" and substitute "a".

(3) On page 1, lines 15-16, following "eligible county resident", delete "of the adjacent county".

(4) On page 2, lines 9-15, strike Sec. 61.0335, Subsection (d).

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Christian offered the following amendment to **CSHB 2565**:

Amend **CSHB 2565** as follows:

(1) On page 1, between lines 4 and 5, insert the following SECTION, appropriately numbered:

SECTION _____. Section 61.033, Health and Safety Code, is amended by adding Subsection (c) to read as follows:

(c) The department may enforce this section and the board may adopt rules as necessary to enforce this section.

(2) On page 4, between lines 15 and 16, insert the following SECTION, appropriately numbered:

SECTION _____. Section 61.060, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) The department may enforce this section and the board may adopt rules as necessary to enforce this section.

(3) Renumber SECTIONS of the bill appropriately.

Amendment No. 4 was adopted without objection.

CSHB 2565, as amended, was passed to engrossment.

(Edwards in the chair)

CSHB 205 ON SECOND READING
(by Burnam)

CSHB 205, A bill to be entitled An Act relating to certain insurance investigations regarding burglary or robbery losses or death claims.

(Speaker in the chair)

CSHB 205 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. 5).

CSHB 753 ON SECOND READING
(by Smith)

CSHB 753, A bill to be entitled An Act relating to a child's choice in certain family law suits.

CSHB 753 was passed to engrossment.

HB 2673 ON SECOND READING
(by Keel)

HB 2673, A bill to be entitled An Act relating to continuing education programs for peace officers and county jailers.

HB 2673 was passed to engrossment.

CSHB 3186 ON SECOND READING
(by Longoria)

CSHB 3186, A bill to be entitled An Act relating to obtaining bonds and insurance required for certain state construction projects.

CSHB 3186 was passed to engrossment.

CSHB 3243 ON SECOND READING
(by Green)

CSHB 3243, A bill to be entitled An Act relating to authorizing the owner of livestock to protect that livestock from certain dangerous animals.

CSHB 3243 was passed to engrossment.

CSHB 3302 ON SECOND READING
(by Coleman)

CSHB 3302, A bill to be entitled An Act relating to certain private facilities that provide behavioral or mental health care services; imposing civil, criminal, and administrative penalties.

Representative Crabb moved to postpone consideration of **CSHB 3302** until 7:15 p.m.

The motion prevailed without objection.

HB 1288 ON SECOND READING
(by T. King)

HB 1288, A bill to be entitled An Act relating to authorizing certain juvenile probation officers to carry firearms.

HB 1288 was passed to engrossment.

HB 3552 ON SECOND READING
(by Giddings)

HB 3552, A bill to be entitled An Act relating to prohibiting the legislature from meeting on Martin Luther King, Jr., Day.

HB 3552 was passed to engrossment.

HB 1200 ON SECOND READING
(by Crabb, Keel, Talton, et al.)

HB 1200, A bill to be entitled An Act relating to the disannexation of certain areas annexed on or after December 1, 1996, by certain municipalities.

HB 1200 was passed to engrossment. (Danburg recorded voting no)

(Siebert in the chair)

HR 932 - ADOPTED
(by J. Solis)

Representative J. Solis moved to suspend all necessary rules to take up and consider at this time **HR 932**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 932, Recognizing the Honorable Moises Vela for his outstanding public service.

HR 932 was adopted without objection.

HB 341 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 341, A bill to be entitled An Act relating to the use of certain information regarding a current or former employee.

On motion of Representative McCall, the house concurred in the senate amendments to **HB 341**.

Senate Committee Substitute

CSHB 341, A bill to be entitled An Act relating to the use of certain information regarding a current or former employee.

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

SECTION 1. Title 3, Labor Code, is amended by adding Chapter 103 to read as follows:

CHAPTER 103. DISCLOSURE BY EMPLOYER OF INFORMATION REGARDING CERTAIN EMPLOYEES OR FORMER EMPLOYEES

Sec. 103.001. PURPOSE; LEGISLATIVE FINDING. The legislature finds that the disclosure by an employer of truthful information regarding a current or former employee protects employment relationships and benefits the public welfare. It is the intent of the legislature that an employer who makes a disclosure based on information obtained by the employer that any employer would reasonably believe to be true should be immune from civil liability for that disclosure.

Sec. 103.002. DEFINITIONS. In this chapter:

(1) "Employee" means a person who performs services for an employer, whether or not for compensation.

(2) "Employer" means a person who has one or more employees or other individuals who perform services under a contract of hire or service, whether expressed or implied, or oral or written.

(3) "Job performance" means the manner in which an employee performs a position of employment and includes an analysis of the employee's attendance at work, attitudes, effort, knowledge, behaviors, and skills.

(4) "Prospective employee" means any person who has made an application, either oral or written, or has sent a resume or other correspondence indicating an interest in employment.

(5) "Prospective employer" means an employer to whom a prospective employee has made an application, either oral or written, or sent a resume or other correspondence expressing an interest in employment.

Sec. 103.003. AUTHORIZED DISCLOSURE; APPLICATION TO CERTAIN EMPLOYEES. (a) An employer may disclose information about a current or former employee's job performance to a prospective employer of the current or former employee on the request of the prospective employer or the employee.

(b) An employer may not disclose information about a licensed nurse or licensed vocational nurse that relates to conduct that is protected under Article 4525d, Revised Statutes. The employer must provide an affected nurse an opportunity to submit a statement of reasonable length to the employer to establish the application of Article 4525d, Revised Statutes.

Sec. 103.004. IMMUNITY FROM CIVIL LIABILITY; EMPLOYER REPRESENTATIVES. (a) An employer who discloses information about a current or former employee under Section 103.003 is immune from civil liability for that disclosure or any damages proximately caused by that disclosure unless it is proven by clear and convincing evidence that the information disclosed was known by that employer to be false at the time the disclosure was made or that the disclosure was made with malice or in reckless disregard for the truth or falsity of the information disclosed. For purposes of this subsection, "known" means actual knowledge based on information relating to the employee, including any information maintained in a file by the employer on that employee.

(b) This chapter applies to a managerial employee or other representative of the employer who is authorized to provide and who provides information in accordance with this chapter in the same manner that it applies to an employer.

Sec. 103.005. EMPLOYMENT REFERENCE. This chapter does not require an employer to provide an employment reference to or about a current or former employee.

SECTION 2. Chapter 103, Labor Code, as added by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 1999.

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

HB 504 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 504. A bill to be entitled An Act relating to the definition of a physician qualified to be an expert witness in certain professional malpractice suits.

On motion of Representative Tillery, the house concurred in the senate amendments to **HB 504** by (Record 340): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Glaze; Goodman; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; 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; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

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

Absent, Excused — Crownover; Hartnett; Jones, C.

Absent, Excused, Committee Meeting — Junell.

Absent — Giddings; Goolsby; Marchant.

Senate Committee Substitute

CSHB 504. A bill to be entitled An Act relating to the definition of a physician qualified to be an expert witness in certain professional malpractice suits.

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

SECTION 1. Section 14.01, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes), is amended by adding Subsection (g) to read as follows:

(g) In this section, "physician" means a person who is:

(1) licensed to practice medicine in the United States; or

(2) a graduate of a medical school accredited by the Liaison

Committee on Medical Education.

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 **HB 504**, Subsection (g)(2), page 1, line 21, Senate Committee Printing, by adding the phrase "or the American Osteopathic Association" following the words "on Medical Education"

**HB 1506 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1506, A bill to be entitled An Act relating to the disposal of surplus county property.

On motion of Representative McCall, the house concurred in the senate amendments to **HB 1506** by (Record 341): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — 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; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; 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; Smith; Smithee; Solis, J.; Solis, J. F.; 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; Siebert(C).

Absent, Excused — Crownover; Hartnett; Jones, C.

Absent, Excused, Committee Meeting — Junell.

Absent — Alvarado; Marchant; Solomons.

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

Amend **HB 1506**, in SECTION 1 of the bill, in Section 263.152(a), Local Government Code (House engrossed printing page 1, line 10), by inserting the following after "within the county":

"that is selling the surplus or salvage property"

**HB 381 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 381, A bill to be entitled An Act relating to rights of survivorship transfer of a motor vehicle or manufactured home.

On motion of Representative Tillery, the house concurred in the senate amendments to **HB 381**.

Senate Committee Substitute

CSHB 381, A bill to be entitled An Act relating to rights of survivorship transfer of a motor vehicle or manufactured home.

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

SECTION 1. Section 501.031, Transportation Code, is amended to read as follows:

Sec. 501.031. RIGHTS OF SURVIVORSHIP AGREEMENT. (a) The department shall include on each certificate of title a rights of survivorship agreement form. The form must:

(1) provide that if the agreement is signed by two or more eligible persons, the motor vehicle is held [a husband and wife] jointly by those persons with the interest of a person [either spouse] who dies to survive to the surviving person or persons [spouse]; and

(2) provide blanks for the signatures of the persons [husband and wife].

(b) If the vehicle is registered in the name of one or more of the persons who signed the agreement, the certificate of title may contain a:

(1) [the husband, the wife, or both, and if the] rights of survivorship agreement [is] signed by all the persons; or

(2) remark if a rights of survivorship agreement is surrendered with the application for certificate of title or otherwise on file with the department.

(c) Except as provided in Subsection (g), [both the husband and the wife: [†] ownership of the vehicle may be transferred only:

(1) by all the persons [both spouses] acting jointly, if all the persons [both spouses] are alive; and

(2) on the death of one of the persons [spouses:

[(A) ownership of the vehicle may be transferred] by the surviving person or persons [spouse] by transferring the certificate of title, in the manner otherwise required by law for transfer of ownership of the vehicle, with a copy of the death certificate of the deceased person [spouse] attached to the certificate of title application[; and

[(B) the department shall issue a new certificate of title in the name of the surviving spouse or the surviving spouse's transferee on presentation of a copy of the certificate of title with the death certificate of the deceased spouse attached without requiring additional evidence of the spouse's death].

(d) [(e)] A rights of survivorship agreement under this section may be revoked only by surrender of the certificate of title to the department and joint application by the persons who signed the agreement [husband and wife] for a new title in the name of the person or persons designated in the application.

(e) A person is eligible to sign a rights of survivorship agreement under this section if the person:

(1) is married and the spouse of the signing person is the only other party to the agreement;

(2) is unmarried and attests to that unmarried status by affidavit; or

(3) is married and provides the department with an affidavit from the signing person's spouse that attests that the signing person's interest in the vehicle is the signing person's separate property.

(f) If the title is being issued in connection with the sale of the vehicle, the seller is not eligible to sign a rights of survivorship agreement under this section unless the seller is the child, grandchild, parent, grandparent, brother, or sister of each other person signing the agreement. A family relationship required by this subsection may be a relationship established by adoption.

(g) If an agreement, other than the agreement provided for in Subsection (a), providing for right of survivorship is signed by two or more persons, the department shall issue a new certificate of title to the surviving person or persons upon application accompanied by a copy of the death certificate of the deceased person. The department may develop for public use under this subsection an optional rights of survivorship agreement form.

SECTION 2. Section 19(a)(2), Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended to read as follows:

(2) "Document of title" means a written instrument issued solely by and under the authority of the director that sets forth:

(A) the name and address of the purchaser and seller at the first retail sale, or the transferee and transferor at any subsequent sale or transfer;

(B) the manufacturer's name and address and, if any, the model designation;

(C) in accordance with applicable rules of the director, the outside dimensions of the manufactured home when installed for occupancy exclusive of the tongue or other towing device as measured to the nearest one-half of one foot at the base of the home, and the approximate square footage of the home when installed for occupancy;

(D) the identification number or numbers for each section or module of the manufactured home;

(E) the county of this state in which the manufactured home is installed for occupancy;

(F) the dates of any liens, and the names and addresses of the lienholders, in chronological order of recordation, and if no liens are registered or recorded on the manufactured home, a statement of that fact;

(G) the signature of the owner signed with pen and ink on receipt of the certificate;

(H) that if two or more eligible persons, as determined by Subsections (x) and (y) of this section, [a husband and wife] file[;] with the application for document of title[;] an agreement signed by all the persons [both] providing that the manufactured home is to be held jointly with rights of survivorship, the director shall issue the document of title in all the [both] names; and

(I) any other data the director requires.

SECTION 3. Section 19, Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes), is amended by amending Subsection (h) and adding Subsections (x) and (y) to read as follows:

(h) When the ownership of a manufactured home in this state is transferred by operation of law, as in an inheritance, a devise, or a bequest, bankruptcy, receivership, judicial sale, or any involuntary divestiture of ownership, the department shall issue a new document of title when the

department is provided with a certified copy of the order or bill of sale from an officer making a judicial sale, or the order appointing a temporary administrator, the probate proceedings, the letters testamentary, the letters of administration, or an affidavit by all of the heirs at law showing that no administration is necessary and showing in whose name the certificate should be issued. If a security interest or other lien is foreclosed in accordance with law by nonjudicial means and the secured party or other mortgagee files an affidavit with the department showing the nonjudicial foreclosure in accordance with law, the department may issue a new document of title in the name of the purchaser at the foreclosure sale. If the foreclosure is of a constitutional or statutory lien and the person entitled to the lien files an affidavit showing the creation of the lien and of the divestiture of title because of the lien in accordance with law, the department may issue a new document of title in the name of the purchaser. If an agreement providing for right of survivorship is signed by two or more eligible persons, as determined by Subsections (x) and (y) of this section, [the husband and wife] and if on the death of one of the persons [either spouse] the department is provided with a copy of the death certificate of the deceased person [spouse], the department shall issue a new document of title to the surviving person or persons [spouse].

(x) A person is eligible to sign a rights of survivorship agreement under this section if the person:

(1) is married and the spouse of the signing person is the only other party to the agreement;

(2) is unmarried and attests to that unmarried status by affidavit; or

(3) is married and provides the department with an affidavit from the signing person's spouse that attests that the signing person's interest in the manufactured home is the signing person's separate property.

(y) If the title is being issued in connection with the sale of the manufactured home, the seller is not eligible to sign a rights of survivorship agreement under this section unless the seller is the child, grandchild, parent, grandparent, brother, or sister of each other person signing the agreement. A family relationship required by this subsection may be a relationship established by adoption.

SECTION 4. This Act takes effect September 1, 1999.

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

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Junell on motion of Cuellar.

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

Hartnett on motion of Culberson.

**HB 1748 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative Van de Putte called up with senate amendments for consideration at this time,

HB 1748, A bill to be entitled An Act relating to the long-range plan for the Texas Center for Infectious Disease and the provision of tuberculosis and communicable infectious disease health care and laboratory services.

On motion of Representative Van de Putte, the house concurred in the senate amendments to **HB 1748** by (Record 342): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; 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; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

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

Absent, Excused — Crownover; Hartnett; Jones, C.

Absent, Excused, Committee Meeting — Junell.

Absent — Lewis, G.; Marchant; Merritt.

Senate Committee Substitute

CSHB 1748, A bill to be entitled An Act relating to the long-range plan for the Texas Center for Infectious Disease and the provision of tuberculosis and communicable infectious disease health care and laboratory services.

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

SECTION 1. RENOVATION OR CONSTRUCTION OF PHYSICAL FACILITIES OF TEXAS CENTER FOR INFECTIOUS DISEASE. (a) The Texas Board of Health shall contract for:

(1) renovation of the existing physical facilities, including the mycobacterial-mycology research laboratory facilities, of the Texas Center for Infectious Disease; or

(2) construction of new physical facilities, including mycobacterial-

mycology research laboratory facilities, for the Texas Center for Infectious Disease.

(b) If the Texas Board of Health contracts for the renovation of the existing physical facilities under Subsection (a)(1), the contract must specify that the renovations include structural and design changes required for:

(1) reaccreditation during 1999 by the Joint Commission on Accreditation of Health Care Organizations;

(2) compliance with Texas accessibility standards and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.), as amended; and

(3) the continued operation of the Texas Center for Infectious Disease to provide all tuberculosis health care services, communicable infectious disease health care services, as designated by the commissioner of public health, women's health laboratory services, and mycobacterial-mycology research laboratory services that are provided at the center on the effective date of this Act, except for those services that the board contracts to be provided at another health care facility.

(c) If the Texas Board of Health contracts for the construction of new physical facilities under Subsection (a)(2), the board shall:

(1) ensure that the facilities are constructed to allow for the provision of all tuberculosis health care services, communicable infectious disease health care services, as designated by the commissioner of public health, women's health laboratory services, and mycobacterial-mycology research laboratory services that are provided at the center on the effective date of this Act, except for those services that the board contracts to be provided at another health care facility; and

(2) contract for minimally necessary structural and design renovations to the existing physical facilities required for:

(A) reaccreditation during 1999 by the Joint Commission on Accreditation of Health Care Organizations;

(B) compliance with Texas accessibility standards and the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.), as amended; and

(C) the continued operation of the existing facilities until construction of new facilities is completed.

SECTION 2. TUBERCULOSIS AND COMMUNICABLE INFECTIOUS DISEASE HEALTH CARE SERVICES. The Texas Board of Health may contract with the board of regents of The University of Texas System or any other public or private health care entity or provider to provide physicians or other health care professionals who will provide tuberculosis health care services and communicable infectious disease health care services, as designated by the commissioner of public health, at the Texas Center for Infectious Disease or at another health care facility in proximity to the center.

SECTION 3. STATEWIDE COORDINATION OF MEDICAL MANAGEMENT OF TUBERCULOSIS. The Texas Board of Health shall contract with the board of regents of The University of Texas System for the coordination of medical management of tuberculosis throughout this state by The University of Texas Health Science Center at Tyler. The contract may

require that the statewide coordination of medical management of tuberculosis include:

(1) providing a full-time medical director to direct the provision of tuberculosis health care services;

(2) managing a state tuberculosis education center; and

(3) for all health care facilities operated by the Texas Department of Health that provide tuberculosis health care services:

(A) credentialling of medical directors of tuberculosis programs;

(B) providing tuberculosis education, medical consultations, including telemedical consultations, and oversight of and protocols for inpatient tuberculosis management; and

(C) determining appropriate placement of tuberculosis patients.

SECTION 4. AGREEMENT FOR TRANSPORTATION OF COMMUNICABLE DISEASE PATIENTS. (a) The Texas Department of Health, in cooperation with the office of the governor, shall collaborate with the United States Immigration and Naturalization Service to develop a formal agreement regarding transportation of communicable disease patients through Immigration and Naturalization Service checkpoints to the Texas Center for Infectious Disease.

(b) The Texas Department of Health shall report the status of negotiations and a summary of the department's activities relating to the agreement required by this section to the 77th Texas Legislature.

SECTION 5. DISPLACED EMPLOYEES OF TEXAS CENTER FOR INFECTIOUS DISEASE. (a) To the extent possible out of available funds appropriated to the Texas Department of Health, the department shall reassign a member of the employee class of the department who is employed at the Texas Center for Infectious Disease to an open position within the department for which the member is qualified if the member's employment position is displaced as a result of a contract entered into by the Texas Department of Health under this Act.

(b) A contract entered into by the Texas Department of Health with the board of regents of The University of Texas System or any other health care entity or provider under this Act must include a requirement that, to the maximum extent possible as determined by the contracting party, the contracting party offer an employee of the Texas Center for Infectious Disease whose position is displaced as a result of the contract a similar employment position with the contracting party.

SECTION 6. FUTURE USE OF EXISTING FACILITIES. If the Texas Board of Health contracts for the construction of new physical facilities for the Texas Center for Infectious Disease under Section 1 of this Act, the board, the Texas Department of Mental Health and Mental Retardation, and the General Services Commission shall collaborate to prepare leasing and other options for potential future uses of the existing physical facilities on completion of construction of the new physical facilities.

SECTION 7. SCHEDULE. Not later than September 1, 2000, the Texas Board of Health shall enter into the contracts required by this Act.

SECTION 8. AMENDMENT. Subchapter B, Chapter 814, Government Code, is amended by adding Section 814.1042 to read as follows:

Sec. 814.1042. TEMPORARY SERVICE RETIREMENT OPTION FOR MEMBERS AFFECTED BY CONTRACTS ENTERED INTO BY TEXAS DEPARTMENT OF HEALTH. (a) This section applies only to members of the employee class whose positions with the Texas Department of Health at the Texas Center for Infectious Disease are eliminated and who separate from state service as a result of a contract with the board of regents of The University of Texas System or any other health care entity or provider entered into on or after the effective date of this section and on or before September 1, 2000.

(b) A member described by Subsection (a) is eligible to retire and receive a service retirement annuity if the member's age and service credit, each increased by three years, would meet age and service requirements for service retirement under Section 814.104(a) at the time the member separates from state service as described by Subsection (a). The annuity of a person who retires under this subsection is computed on the person's accrued service credit increased by three years.

(c) A member described by Subsection (a) becomes eligible to retire and receive a service retirement annuity on the date on which the member would have met the age and service requirements for service retirement under Section 814.104(a) had the member remained employed by the state if, on the date of separation from state service, the member's age and service credit, each increased by five years, would meet age and service requirements for service retirement under Section 814.104(a). The annuity of a person who retires under this subsection is computed on the person's accrued service credit.

(d) If a member described by Subsection (c) is reemployed by the state before retirement, the time between the member's separation from state service and reemployment may be used only to compute eligibility for service retirement and may not be used to compute the amount of any service retirement annuity.

(e) A member who applies to retire under this section and the Texas Department of Health shall provide documentation required by the retirement system to establish eligibility to retire under this section.

(f) This section applies only to positions eliminated on or after the effective date of this section.

SECTION 9. CONTINGENT IMPLEMENTATION. The Texas Department of Health is required to implement this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the department is not required to implement this Act using other appropriations available for the purpose.

SECTION 10. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senate Amendment No. 1

Amend **CSHB 1748** as follows:

(1) In Subsection (a)(1) of SECTION 1 of the bill, strike "facilities, including the mycobacterial-mycology research laboratory facilities," and substitute "facilities" (Senate Committee Printing, page 1, lines 17 through 19).

(2) In Subsection (a)(2) of SECTION 1 of the bill, strike "facilities, including mycobacterial-mycology research laboratory facilities," and substitute "facilities" (Senate Committee Printing, page 1, lines 20 through 21).

(3) In Subsection (b)(3) of SECTION 1 of the bill, between "public health," and "women's health", insert "and" (Senate Committee Printing, page 1, line 35).

(4) In Subsection (b)(3) of SECTION 1 of the bill, strike "services, and mycobacterial-mycology research laboratory services" and substitute "services" (Senate Committee Printing, page 1, lines 36 through 37).

(5) In Subsection (c)(1) of SECTION 1 of the bill, between "public health," and "women's health", insert "and" (Senate Committee Printing, page 1, line 46).

(6) In Subsection (c)(1) of SECTION 1 of the bill, strike "services, and mycobacterial-mycology research laboratory services" and substitute "services" (Senate Committee Printing, page 1, line 47).

(7) Following SECTION 2 of the bill and before SECTION 3 of the bill (Senate Committee Printing, page 2, between lines 5 and 6), insert a new SECTION 3 to read as follows and renumber existing SECTIONS 3-10 as SECTIONS 4-11, respectively:

SECTION 3. MYCOBACTERIAL-MYCOLOGY RESEARCH LABORATORY. (a) The Texas Board of Health shall contract for:

(1) renovation of the existing physical facilities of the mycobacterial-mycology research laboratory located at the Texas Center for Infectious Disease;

(2) construction of new physical facilities for the mycobacterial-mycology research laboratory located at the Texas Center for Infectious Disease; or

(3) construction of physical facilities by The University of Texas System, if the board of regents of The University of Texas System agrees to the terms of the contract, for a mycobacterial-mycology research laboratory located at The University of Texas Health Science Center at San Antonio to replace the laboratory located at the Texas Center for Infectious Disease.

(b) The physical facilities constructed under Subsection (a) must be adequate for the provision of all mycobacterial-mycology laboratory services provided on the effective date of this Act by the mycobacterial-mycology research laboratory located at the Texas Center for Infectious Disease.

(c) If the Texas Board of Health contracts with the board of regents of The University of Texas System for the construction of physical facilities under Subsection (a)(3), the board of regents of The University of Texas System shall manage and operate the mycobacterial-mycology research laboratory at The University of Texas Health Science Center at San Antonio.

(d) If the Texas Board of Health contracts with the board of regents of The University of Texas System for the construction of physical facilities

under Subsection (a)(3), the Texas Board of Health and the board of regents of The University of Texas System shall adopt a joint memorandum of understanding to facilitate and coordinate the transfer of the mycobacterial-mycology research laboratory services from the Texas Center for Infectious Disease to The University of Texas Health Science Center at San Antonio. The memorandum shall coordinate the transfer of mycobacterial-mycology research laboratory employees from the Texas Department of Health to The University of Texas System.

(e) On a date provided by a memorandum of understanding under Subsection (d) between the Texas Board of Health and the board of regents of The University of Texas System:

(1) the mycobacterial-mycology research laboratory at the Texas Center for Infectious Disease shall close;

(2) all powers, duties, functions, programs, and activities of the Texas Department of Health that relate to the management or operation of the mycobacterial-mycology research laboratory at the Texas Center for Infectious Disease are transferred to The University of Texas System and the mycobacterial-mycology research laboratory at The University of Texas Health Science Center at San Antonio, as appropriate;

(3) all rights, contracts, records, and property in the custody of the Texas Department of Health that relate to the management or operation of the mycobacterial-mycology research laboratory at the Texas Center for Infectious Disease and all funds appropriated by the legislature to the Texas Department of Health that relate to the management or operation of the mycobacterial-mycology research laboratory are transferred to The University of Texas System; and

(4) a reference in law to the Texas Department of Health or the Texas Board of Health that relates to the management or operation of the mycobacterial-mycology research laboratory means The University of Texas System or The University of Texas Health Science Center at San Antonio, as appropriate.

(f) Before a transfer of the mycobacterial-mycology research laboratory services under a memorandum of understanding under Subsection (d) occurs, the board of regents of The University of Texas System shall adopt rules and regulations necessary for the operation, control, and management of the mycobacterial-mycology research laboratory at The University of Texas Health Science Center at San Antonio that will take effect when the transfer occurs.

(8) Strike Subsection (a) of existing SECTION 5 of the bill (Senate Committee Printing, page 2, lines 39 through 46), and substitute the following:

(a) To the extent possible out of available funds appropriated to the Texas Department of Health, the department shall reassign a member of the employee class of the department who is employed at the Texas Center for Infectious Disease to an open position within the department for which the member is qualified if the member's employment position is displaced as a result of:

(1) a contract entered into by the Texas Department of Health under this Act; or

(2) a transfer of the mycobacterial-mycology research laboratory from the Texas Center for Infectious Disease to The University of Texas Health

Science Center at San Antonio, if the Texas Board of Health contracts with the board of regents of The University of Texas System for the construction of physical facilities for the laboratory.

(9) In existing SECTION 7 of the bill, between "SCHEDULE." and "Not later than", insert "(a)" (Senate Committee Printing, page 2, line 63).

(10) Following existing SECTION 7 of the bill and before existing SECTION 8 of the bill (Senate Committee Printing, page 2, between lines 65 and 66), insert the following:

(b) Not later than September 1, 2000, the Texas Board of Health and the board of regents of The University of Texas System shall adopt the joint memorandum of understanding required by this Act if the Texas Board of Health contracts with the board of regents of The University of Texas System for the construction of physical facilities for the mycobacterial-mycology research laboratory.

(11) In existing SECTION 8 of the bill, strike added Subsection (a) of Section 814.1042, Government Code (Senate Committee Printing, page 3, lines 1 through 7), and substitute the following:

(a) This section applies only to members of the employee class whose positions with the Texas Department of Health at the Texas Center for Infectious Disease are eliminated and who separate from state service as a result of:

(1) a contract with the board of regents of The University of Texas System or any other health care entity or provider entered into on or after the effective date of this section and on or before September 1, 2000; or

(2) a transfer of the mycobacterial-mycology research laboratory to The University of Texas Health Science Center at San Antonio, if the Texas Board of Health contracts with the board of regents of The University of Texas System for the construction of physical facilities for the laboratory.

HB 1722 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1722, A bill to be entitled An Act relating to investment of money in the veterans' land fund.

On motion of Representative Counts, the house concurred in the senate amendments to **HB 1722** by (Record 343): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.;

Keel; Keffer; King, P.; Krusee; Kuempel; Lengefeld; Lewis, R.; Longoria; Luna; Madden; 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; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Crownover; Hartnett; Jones, C.

Absent, Excused, Committee Meeting — Junell.

Absent — King, T.; Lewis, G.; Marchant.

Senate Amendment No. 1

Amend **HB 1722** as follows:

1) Following SECTION 1 of the bill, insert a new SECTION 2 to add a new Subsection (c) to Section 161.173, Natural Resources Code, to read as follows:

SECTION 2: Section 161.173, Natural Resources Code, is amended by adding Subsection (c) to read as follows:

(c) The Veterans Land Board shall not invest more than \$50,000,000 in revenue bonds issued under Chapter 164, Natural Resources Code, and shall report to the Governor, the Senate Committee on Finance and the House of Representatives Committee on Appropriations on or before December 1, 2000, regarding the status of its investment in such revenue bonds and all related debt service.

2) Renumber the remaining SECTIONS accordingly.

HB 2107 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2107, A bill to be entitled An Act relating to assistance to certain volunteer fire departments and to the imposition of a tax to finance that assistance.

On motion of Representative Cook, the house concurred in the senate amendments to **HB 2107**.

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

Amend **HB 2107** as follows:

On page 2, beginning on line 7, amend **HB 2107** by deleting Section 614.072(c)(1) and substituting the following:

(1) determine reasonable criteria and qualifications for the distribution of money from the rural volunteer fire department assistance fund, providing that no volunteer fire department may be denied assistance from the fund if it already receives funds from a political subdivision.

**HB 2108 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2108, A bill to be entitled An Act relating to state assistance for local parks and recreational, cultural resource, and open space areas.

On motion of Representative Cook, the house concurred in the senate amendments to **HB 2108**.

Senate Amendment No. 1

Amend **HB 2108** as follows:

(1) In SECTION 2 of the bill, amended Section 24.005(c)(1), Parks and Wildlife Code (Committee Printing, page 1, line 48), after the semicolon, insert "and".

(2) In SECTION 2 of the bill, amended Section 24.005(c)(2), Parks and Wildlife Code (Committee Printing, page 1, line 51), strike "; and".

(3) In SECTION 2 of the bill, amended Section 24.005(c), Parks and Wildlife Code (Committee Printing, page 1, line 52), strike all of Subdivision (3) except the period.

Senate Amendment No. 2 (Senate Committee Amendment No. 1)

Amend **HB 2108** (House engrossment) as follows:

(1) In SECTION 2 of the bill, in added Subsection (e), Section 24.005, Parks and Wildlife Code (page 2, line 17), strike "program" and substitute "programs".

(2) In SECTION 2 of the bill, in added Subsection (e), Section 24.005, Parks and Wildlife Code (page 2, line 17), strike "Subsection (d)" and substitute "this chapter".

(3) In SECTION 3 of the bill, in amended Section 24.006, Parks and Wildlife Code (page 2, line 20), strike "(a)".

(4) In SECTION 3 of the bill, in amended Section 24.006, Parks and Wildlife Code (page 2, line 27, through page 3, line 4), strike added Subsection (b).

**HB 3155 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3155, A bill to be entitled An Act 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.

On motion of Representative Bosse, the house concurred in the senate amendments to **HB 3155**.

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

Amend **HB 3155** in SECTION 1 of the bill as follows:

(1) In added Section 604.001, Occupations Code, after Subdivision (4) of

that section (Engrossed version page 1364, line 14), strike "(V.A.C.S. Art. 4512l, Secs. 1(1), (2)," and substitute the following:

(5) "Respiratory care procedure" means respiratory care provided by the therapeutic and diagnostic use of medical gases, humidifiers, and aerosols, the administration of drugs and medications to the cardiorespiratory system, ventilatory assistance and ventilatory control, postural drainage, chest drainage, chest percussion or vibration, breathing exercises, respiratory rehabilitation, cardiopulmonary resuscitation, the maintenance of natural airways, and the insertion and maintenance of artificial airways. The term includes a technique used to assist in diagnosis, monitoring, treatment, and research, as ordered by a patient's physician, including:

(A) the measurement of ventilatory volumes, pressures, and flows;

(B) the specimen collection of blood and other materials;

(C) pulmonary function testing; and

(D) hemodynamic and other related physiological forms of monitoring or treating the cardiorespiratory system. (V.A.C.S. Art. 4512l, Sec. 1.)

(2) At the end of added Section 604.001, Occupations Code (Engrossed version page 1364), strike line 15.

(3) In added Section 604.101(b), Occupations Code (Engrossed version page 1368, line 3), between "direction of a" and "physician", insert "qualified medical director or other".

(4) In added Section 604.201(b), Occupations Code (Engrossed version page 1373, line 18), in Subdivision (7) of that section, between "direction of a" and "licensed physician", insert "qualified medical director or other".

(5) In added Section 651.157(b), Occupations Code (Engrossed version page 1434, line 14), between "open" and "to inspection", insert "at all times".

(6) In added Section 651.405(a), Occupations Code (Engrossed version page 1462, line 10), in Subdivision (7) of that subsection, strike "a casket" and substitute "caskets".

(7) In added Section 651.405(a), Occupations Code (Engrossed version page 1462, line 11), in Subdivision (8) of that subsection, strike "an outer enclosure" and substitute "outer enclosures".

(8) Strike added Section 2001.357, Occupations Code (Engrossed version page 2109, lines 12-15), and substitute the following:

Sec. 2001.357. JUDICIAL REVIEW. (a) An applicant for or the holder of a license issued or to be issued under this chapter whose application has been denied, whose license has been revoked or suspended, or who is otherwise aggrieved by an action of the commission relating to licensing under this chapter may appeal the decision of the commission to a district court in Travis County not later than the 30th day after the date on which the commission's decision becomes final and appealable.

(b) Judicial review of a commission decision is under the substantial evidence rule as provided by Chapter 2001, Government Code. (V.A.C.S. Art. 179d, Sec. 34.)

(9) Strike added Section 2153.306, Occupations Code (Engrossed version page 2290, lines 17-27 and page 2291, lines 1-14), and substitute the following:

Sec. 2153.306. DETERMINATION HEARING. (a) An applicant for a license or registration certificate or a license or registration certificate holder is entitled to not less than 20 days' written notice and, if requested, a hearing in the following instances:

(1) after an application for an original or renewal license or registration certificate has been refused;

(2) before the comptroller may revoke a license or registration certificate; and

(3) before the comptroller may impose any other sanction under this chapter other than the sealing of a machine.

(b) Written notice required by Subsection (a) may:

(1) be personally served by the comptroller or the comptroller's authorized representative;

(2) be sent by United States certified mail addressed to the last known address of the applicant or license or registration certificate holder; or

(3) if, after due diligence, notice cannot be given as provided by Subdivision (1) or (2), be given by any reasonable method of notice prescribed by the comptroller calculated to inform a person of average intelligence and prudence in the conduct of the person's affairs, including publishing notice in a newspaper of general circulation in the area in which the applicant or license or registration holder conducts the person's business activities. (V.A.C.S. Art. 8817, Secs. 20(2), 22.)

POSTPONED BUSINESS

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

CSHB 3302 ON SECOND READING (by Coleman)

CSHB 3302, A bill to be entitled An Act relating to certain private facilities that provide behavioral or mental health care services; imposing civil, criminal, and administrative penalties.

CSHB 3302 was read second time earlier today and was postponed until this time.

Representative Coleman moved to postpone consideration of **CSHB 3302** until June 1.

The motion prevailed without objection.

HR 176 - ADOPTED (by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 176**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 176, Honoring Joey Fino for saving his friend's life.

HR 176 was adopted without objection.

HR 944 - ADOPTED
(by Allen)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 944**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 944, Honoring Pete Baldwin for his many professional achievements and civic contributions.

HR 944 was adopted without objection.

HB 1037 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1037, A bill to be entitled An Act relating to the appraisal for ad valorem tax purposes of property located in more than one appraisal district.

On motion of Representative Junell, the house concurred in the senate amendments to **HB 1037**.

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

1. Amend **HB 1037**, engrossed version, as follows:

On page 1, lines 11-13, after the word "value." strike "Property appraised by more than one appraisal district shall be valued at the lowest appraised value set by the appraisal districts for that property."

HB 1676 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED

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

HB 1676, A bill to be entitled An Act relating to permanent funds for certain public health purposes.

Representative Junell 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 1676**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1676**: Junell, chair, West, vice-chair, Coleman, Gallego, and Heflin.

HB 1945 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED

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

HB 1945, A bill to be entitled An Act relating to the creation of permanent funds for certain public health purposes conducted by institutions of higher education.

Representative Junell 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 1945**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1945**: Junell, chair, West, vice-chair, Coleman, Gallego, and Heflin.

HB 32 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 32, A bill to be entitled An Act relating to the standard possession order for possession of or access to a child.

On motion of Representative Goolsby, the house concurred in the senate amendments to **HB 32**.

Senate Amendment No. 1

Amend **HB 32** as follows:

(1) In SECTION 1 of the bill, in Section 153.312(b)(2)(A), Family Code (senate committee printing, page 1, line 26), strike "March 15" and substitute "April 1".

(2) In SECTION 1 of the bill, in Section 153.312(b)(2)(B), Family Code (senate committee printing, page 1, line 35), strike "March 15" and substitute "April 1".

(3) In SECTION 1 of the bill, in Section 153.312(b)(4), Family Code (senate committee printing, page 1, line 48), strike "April 1" and substitute "April 15".

(4) In SECTION 1 of the bill, in Section 153.312(b)(4), Family Code (senate committee printing, page 1, line 50), strike "April 2" and substitute "April 16".

(5) In SECTION 2 of the bill, in Section 153.313(3)(A), Family Code (senate committee printing, page 2, line 20), strike "March 15" and substitute "April 1".

(6) In SECTION 2 of the bill, in Section 153.313(3)(B), Family Code (senate committee printing, page 2, line 29), strike "March 15" and substitute "April 1".

(7) In SECTION 3(b) of the bill (senate committee printing, page 2, line 63), between "court" and "to" insert ", on the motion of a party,".

HCR 279 - ADOPTED (by T. King)

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HCR 279**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 279, In honor of Carl and Carolyn Hilderbran's 50th wedding anniversary.

HCR 279 was adopted without objection.

(Junell now present)

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Alexander.

HB 2555 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2555, A bill to be entitled An Act relating to prepaid tuition for graduate and professional degree programs at public institutions of higher education.

On motion of Representative Cuellar, the house concurred in the senate amendments to **HB 2555**.

Senate Amendment No. 1

Amend **HB 2555** as follows:

In SECTION 1 of the bill on page 1, line 17, between "education" and ":" insert "or private or independent institution of higher education".

(Speaker in the chair)

POSTPONED BUSINESS

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

CSSB 369 ON SECOND READING (Bosse and Naishtat - House Sponsors)

CSSB 369, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Human Services.

CSSB 369 was read second time earlier today, postponed until 5 p.m., postponed until 6:30 p.m., and was again postponed until 8 p.m. Amendment No. 1 was before the house at the time of postponement.

Representative Hilderbran moved to table Amendment No. 1.

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 1 and the vote was announced yeas 72, nays 73.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 344): 69 Yeas, 71 Nays, 1 Present, not voting.

Yeas — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Carter; Chisum; Christian; Clark; Cook; Crabb; Craddick; Culberson; Davis, J.; Delisi; Denny; Driver; Elkins; George; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Heflin; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Keel; Keffer; King, P.; Krusee; Kuempel; Lengefeld; Lewis, R.; Madden; Marchant; McCall; Merritt; Morrison; Mowery; Nixon; Palmer; Pitts; Reyna, E.; Seaman; Shields; Siebert; Smith; Solomons; Staples; Swinford; Talton; Truitt; Turner, B.; Walker; West; Williams; Wohlgemuth; Woolley.

Nays — Alexander; Alvarado; Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Counts; Cuellar; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Greenberg; Gutierrez; Hawley; Hinojosa; Hochberg; Hodge; Homer; Jones, J.; Junell; King, T.; Lewis, G.; Longoria; Luna; Maxey; McClendon; McReynolds; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Solis, J.; Solis, J. F.; Telford; Thompson; Tillery; Uher; Uresti; Van de Putte; Wilson; Wise; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Crownover; Hartnett; Jones, C.; Smithee.

Absent — Corte; Hilbert; Jones, D.; Turner, S.; Wolens.

The speaker stated that the motion to table was lost by the above vote.

LEAVES OF ABSENCE GRANTED

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

D. Jones on motion of Uher.

The following members were granted leaves of absence for the remainder of today because of important business:

Hilbert on motion of Allen.

Wolens on motion of Oliveira.

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Corte on motion of Heflin.

S. Turner on motion of Gallego.

CSSB 369 - (consideration continued)

(Hartnett now present)

(Alvarado in the chair)

Amendment No. 2

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

Amend Floor Amendment 1 to **CSSB 369** as follows:

(1) Strike line 4, page 1 through line 22, page 16 and insert new SECTIONS to read as follows, and renumber the subsequent sections accordingly:

SECTION _____. Section 31.003 (c), Human Resources Code, is amended to read as follows:

(c) The department shall adopt rules governing sanctions and penalties under this section to or for:

(1) a person who fails to comply with each applicable requirement of the responsibility agreement prescribed by this section; and

(2) the family of a person who fails to comply with the requirement of the responsibility agreement prescribed by Subsection (d)(1) or (4).

SECTION _____. Section 31.0032, Human Resources Code, is amended to read as follows:

Sec. 31.00032. PENALTIES AND SANCTIONS. (a) If after an investigation the department determines that a person is not complying with a requirement of the responsibility agreement required under Section 31.0031, the department shall apply appropriate sanctions or penalties regarding the assistance provided to or for that person or that person and the person's family under this chapter.

(b) In applying sanctions or penalties for the failure or refusal of a person, without good cause, to comply with the requirement of the responsibility agreement prescribed by Section 31.0031(d)(1) or (4), the department shall:

(1) after the first violation, reduce the total amount of financial assistance provided to or for the entire family by an amount equal to the amount of financial assistance provided for the needs of each adult member of the family who is not in compliance; and

(2) after the second or a subsequent violation, terminate the total amount of financial assistance provided to or for that person and the person's family and deem the family ineligible for financial assistance for a period of 90 days.

(c) Good cause for noncompliance with the requirement of the responsibility agreement prescribed by Section 31.0031(d)(1) exists only if requiring the person committing the violation to cooperate with the department or agency under that section would be harmful to the physical, mental, or emotional health of the person or the person's child.

(d) The department shall apply a penalty or sanction to or for a family under Subsection (b) until the person committing the violation complies with each requirement of the responsibility agreement for which the penalty or sanction was imposed.

(e) If a person fails to comply with a requirement of the responsibility agreement prescribed by Section 31.0031(d)(1) or (4) for more than 90 days after a penalty or sanction has been imposed, the person will be deemed to have committed a second or subsequent violation.

(f) The department shall immediately notify the caretaker relative, second parent, or payee receiving the financial assistance whether sanctions will be applied under this section.

(g) The department shall review the circumstances surrounding the sanction to ensure that the sanction has been applied appropriately within 13 days of providing the notice required under subsection (f). The department may offer referrals to appropriate services to address and to help remove barriers to compliance.

(h) ~~(e)~~ This section does not prohibit the department from providing medical assistance, child care, or any other social or support services for a person or that person's family ~~[an] [individual subject to sanctions or penalties under this chapter]~~.

(i) The department shall give the highest priority to the administrative processing of sanctions or penalties applied under this section so that the department's records of the affected person promptly reflect application of the sanctions or penalties.

SECTION _____. Section 31.0033(c), Human Resources Code, is amended to read as follows:

(c) If the department finds that good cause for noncompliance was not shown at a hearing, the department shall apply appropriate sanctions or penalties to or for that person or that person and the person's family until the department determines that the person is in compliance with the terms of the responsibility agreement.

SECTION _____. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.0038 to read as follows:

Sec. 31.0038. EARNED INCOME DISREGARDS FOR EMPLOYMENT.

(a) The purpose of the earned income disregards benefit is to assist a recipient of financial assistance in making a successful transition from the receipt of financial assistance to employment and self-sufficiency.

(b) In this section, "former recipient for the earned income disregards benefit" means a recipient of financial assistance whose earned income has previously been disregarded by the department under this section.

(c) If a recipient of financial assistance becomes employed while receiving the assistance, the department may not consider a significant portion of any earned income received by the recipient for a period up to the first six months during which employment earnings are received for purposes of determining:

(1) the amount of financial assistance granted to an individual for the support of dependent children; or

(2) whether the family meets household income and resource requirements for financial assistance.

(d) The department may not disregard under Subsection (c) the earned income of a recipient who left a position of employment voluntarily without good cause in the three month period immediately preceding the date on which the recipient applied for financial assistance or who voluntarily quit without good cause while receiving financial assistance.

(e) The department may not disregard under Subsection (c) the earned income of a former recipient of the earned income disregards benefit until the third anniversary of the day after the last date on which the former recipient's earned income was disregarded under that subsection.

(f) During the period the earned income of a recipient is disregarded by the department under Subsection (c), the department may not exempt the recipient from participating in a work or employment activity under Section 31.012.

(g) In adopting rules under this section, the department shall:

(1) ensure that this section applies only to recipients who earn income in an amount that does not exceed the maximum gross income limit set by the department under Section 31.003; and

(2) promote the purpose described in Subsection (a).

(2) On page 28, insert new (5) to read as follows:

(5) On page 12, insert a new SECTION 13 to read as follows and renumber the subsequent sections accordingly:

SECTION 13. Section 31.043(a), Human Resources Code, as added by Chapter 878, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows: (a) To extend the period of supported employment for families who receive financial assistance under this chapter and except as provided by Section 31.0038, the department may use a form of fill-the-gap budgeting or another method under which the department disregards earnings of family members who obtain employment while receiving the assistance.

(3) On page 28, insert new (6) to read as follows:

(6) On page 35, insert a new SECTION 35, to read as follows and renumber the subsequent sections accordingly:

SECTION 35. Not later than December 1, 2000, the Texas Council on Workforce and Economic Competitiveness, with the assistance of the Texas Department of Human Services and the Texas Workforce Commission, shall report to the governor, lieutenant governor, and speaker of the house of representatives on the effectiveness and accuracy of the sanctioning process for the TANF financial assistance program. The report must include any recommendations for legislative action.

(4) On page 28, insert new (7) to read as follows:

(7) On page 36, insert new SECTIONS 37 and 38 to read as follows and renumber the subsequent sections accordingly:

SECTION 37. The changes in law made by Sections 31.0031-31.0033, Human Resources Code, as amended by this Act, apply only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose.

SECTION 38. The change in law made by Section 31.0038, Human Resources Code, as added by this Act, applies only to a person who receives financial assistance under Chapter 31, Human Resources Code, on or after the effective date of this Act, regardless of the date on which eligibility for the financial assistance was determined.

(6) On page 17, line 7, strike "provided" and replace it with "referred to".

(7) Strike line 14, page 20 through line 15, page 21.

(8) Strike lines 4 through 8, on page 24.

(9) Strike lines 8 through 17, on page 25.

(10) Strike lines 4 through 16, on page 26.

(11) Insert the following sections, appropriately numbered, and renumber the subsequent sections accordingly:

SECTION _____. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.0038 to read as follows:

Sec. 31.0038. INELIGIBILITY RESULTING FROM DRUG-RELATED FELONY CONVICTIONS. (a) A person is ineligible for financial assistance if the person is convicted, for conduct occurring after September 1, 1999, of an offense under federal law or the law of this state or any other state that at the time of the conviction:

(1) is classified as a felony by the jurisdiction involved; and

(2) has as an element the possession, use, or distribution of a controlled substance, as defined in 21 U.S.C. Section 802 and its subsequent amendments.

(b) The department shall require an applicant for financial assistance to indicate in writing whether the applicant or any member of the applicant's household has been convicted of an offense described by Subsection (a).

(c) The section does not affect:

(1) the eligibility for financial assistance of any other member of the household of a person ineligible as a result of a conviction of an offense described by Subsection (a); or

(2) the eligibility of a person convicted of an offense described by Subsection (a) for a federal benefit specified in 21 U.S.C. Section 862a(f) and its subsequent amendments.

SECTION _____. If before implementing Section 31.0038, Human Resources Code, as added by this Act, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation, the state agency shall request the waiver or authorization and may delay implementing that section until the waiver or authorization is granted.

SECTION _____. Section 31.0038, Human Resources Code, as added by this Act, takes effect September 1, 1999, and applies only to a person who receives financial assistance under Chapter 31, Human Resources Code, on or after that date, regardless of the date on which eligibility for the financial assistance was determined.

(12) Insert the following sections, appropriately numbered, and renumber the subsequent sections accordingly:

SECTION _____. (a) Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.017 to read as follows:

Sec. 31.017. FRAUD. (a) For purposes of establishing or maintaining the eligibility of the person and the person's family for financial assistance or for purposes of increasing the amount of the assistance or preventing a reduction in the amount of the assistance, a person may not intentionally:

(1) make a statement that the person knows is false or misleading;

(2) misrepresent, conceal, or withhold a fact; or

(3) represent a statement to be true if the person knows the statement is false.

(b) If after an investigation the department determines that a person has violated this section, the department shall:

(1) notify the person of the alleged violation not later than the 30th day after the date the investigation is completed and provide the person with an opportunity for a hearing on the matter; or

(2) refer the matter to the appropriate district attorney for prosecution.

(c) If a person waives the right to a hearing or if a hearing officer at an administrative hearing held under this section determines that a person has violated this section, the person:

(1) after the first violation, is disqualified from receiving financial assistance until the first anniversary of the date of the determination; and

(2) after the second or a subsequent violation, is permanently disqualified from receiving financial assistance.

(d) If a person is convicted of or placed on deferred adjudication community supervision for a state or federal criminal offense for conduct described by this section, the person is permanently disqualified from receiving financial assistance.

(b) the changes in law made by Section 31.017, Human Resources Code, as added by this section, apply only to a person who receives financial assistance under Chapter 31, Human Resources Code, on or after the effective date of this section, regardless of the date on which eligibility for that assistance was determined.

(Speaker in the chair)

Representative Wilson raised a point of order against further consideration of **CSSB 369** under Rule 2, Section 1(a)(6) of the House Rules on the grounds that the committee did not have a certified copy of the bill before the bill was considered by the committee.

The speaker sustained the point of order.

The bill was returned to the Committee on Human Services.

CSHB 1023 ON SECOND READING

(by Garcia)

CSHB 1023, A bill to be entitled An Act relating to the registration of wall and ceiling contractors; providing a penalty.

CSHB 1023 was read second time on earlier today, postponed until 4:30 p.m., postponed until 6:30 p.m., and was again postponed until this time.

CSHB 1023 failed to pass to engrossment. (Berman recorded voting no)

HB 3489 - STATEMENT OF VOTE

I was shown voting yes on Record No. 339. I intended to vote no.

Hartnett

ADJOURNMENT

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

The motion prevailed without objection.

The house accordingly, at 9:26 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HCR 276 (by Grusendorf), In memory of William D. Morgan.
To Rules & Resolutions.

HCR 279 (by T. King), In honor of Carl and Carolyn Hilderbran's 50th wedding anniversary.
To Rules & Resolutions.

HR 913 (by Hunter), Commemorating Armed Forces Day 1999 and honoring the members of the Texas House of Representatives who are military veterans.
To Rules & Resolutions.

HR 914 (by J. Davis), Commending David L. Gatling on 40 years of distinguished service to Ticona in Pasadena.
To Rules & Resolutions.

HR 915 (by Noriega), Honoring Houston journalist Sylvan Rodriguez.
To Rules & Resolutions.

HR 916 (by Van de Putte), In memory of Anton J. "Tony" Rozance.
To Rules & Resolutions.

HR 918 (by Hunter), Honoring Abilene High School student Stefani Slough for her title of Miss Texas Panhandle.
To Rules & Resolutions.

HR 919 (by J. Moreno), Honoring the 1999 Texas recipients of Nissan Neighbors Good Citizens scholarships.
To Rules & Resolutions.

HR 921 (by Luna), In memory of Jon Dee May.
To Rules & Resolutions.

HR 922 (by McClendon), Memorializing the congress to take steps to ensure that modern procedures are employed in conducting the 2000 census.
To Redistricting.

HR 925 (by Hilderbran), Honoring the marriage of Stephanie Jo Tippett to Lance Lee Morris on January 23, 1999.
To Rules & Resolutions.

SB 393 to Economic Development.

SB 429 to Pensions & Investments.

SB 941 to Public Health.

SB 1491 to Appropriations.

SB 1806 to Urban Affairs.

SB 1903 to Judicial Affairs.

SIGNED BY THE SPEAKER

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

House List No. 48

HB 1269

House List No. 49

HB 558, HB 854, HB 1207, HB 1514, HB 1744, HB 3008, HCR 35, HCR 259, HCR 275, HCR 278

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 13, 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:

HCR 278 Haggerty
Recalling H.B. No. 2450 from the governor.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 13, 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 79 Gallego SPONSOR: Cain
Relating to eligibility to serve on an appraisal review board.
(COMMITTEE SUBSTITUTE)

HB 676 Isett SPONSOR: Bivins
Relating to prima facie speed limits for vehicles on highways and beaches.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 1359 Kruse SPONSOR: Jackson
Relating to the use of golf carts on public roadways.
(AMENDED)

HB 1713 Ellis, Dan SPONSOR: Ogden
Relating to the harassment of persons by individuals imprisoned or confined in adult or juvenile correctional facilities; creating an offense.
(AMENDED)

HB 1749 Van de Putte SPONSOR: Armbrister
Relating to the sharing of information concerning juvenile offenders.

HB 1976 Bosse SPONSOR: Madla
Relating to the continuation and functions of the Commission on Human Rights.
(AMENDED)

HB 2617 Bosse SPONSOR: Harris
Relating to the continuation of the Texas Board of Private Investigators and Private Security Agencies as the Texas Commission on Private Security and to the functions performed by that agency; providing a penalty.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 3226 Capelo SPONSOR: Truan
Relating to the disposition of surplus and salvage property of certain institutions of higher education.

HJR 58 Junell SPONSOR: Ratliff
Proposing a constitutional amendment relating to the investment of the permanent university fund and to distributions from that fund to the available university fund.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 13, 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:

LOCAL AND UNCONTESTED CALENDAR

HB 81 Gallego SPONSOR: Moncrief
Relating to the conservatorship of state agencies and public junior colleges as a result of fiscal mismanagement.

HB 330 Naishtat SPONSOR: Moncrief
Relating to orders for extended mental health services.

HB 340 Walker SPONSOR: Bivins
Relating to the exemption from permitting requirements for certain wells in a groundwater conservation district.

HB 579 Krusee SPONSOR: Wentworth
Relating to the collection of taxes on sales of boats and boat motors.

HB 664 Chisum SPONSOR: Brown, J. E. "Buster"
Relating to the sale of certain land by the Texas Department of Health.

HB 732 Boss SPONSOR: Brown, J. E. "Buster"
Relating to stormwater management and regulation by certain political subdivisions; providing a penalty.

HB 774 Counts SPONSOR: Haywood
Relating to the juvenile board in Fisher, Mitchell, and Nolan counties.

HB 819 Naishtat SPONSOR: Moncrief
Relating to protecting against family violence in family law cases and in certain other cases involving alternative dispute resolution procedures.
(COMMITTEE SUBSTITUTE)

HB 871 Goodman SPONSOR: Harris
Relating to exempting animals sold by certain animal shelters from the sales tax.

HB 985 Maxey SPONSOR: Zaffirini
Relating to compliance by state agencies with strategic guidelines in developing electronic benefits transfer systems.

HB 1031 Hunter SPONSOR: Ellis, Rodney
Relating to the filing of sworn statements prescribed by the constitution for public office and made by the directors of certain special districts.

- HB 1141** Thompson SPONSOR: Ellis, Rodney
Relating to public access to the names and addresses of parties in civil actions.
- HB 1145** Maxey SPONSOR: Moncrief
Relating to the continuing education requirements for a licensed chemical dependency counselor.
- HB 1196** Reyna, Arthur SPONSOR: Madla
Relating to recognizing Texas Parenting Day.
(AMENDED)
- HB 1396** Maxey SPONSOR: Zaffirini
Relating to the evaluation of licensing for intermediate care facilities for the mentally retarded.
(COMMITTEE SUBSTITUTE)
- HB 1411** Naishtat SPONSOR: Moncrief
Relating to the conservatorship of and access to certain children by parents having a history of family violence.
(COMMITTEE SUBSTITUTE)
- HB 1431** Averitt SPONSOR: Sibley
Relating to payment of an administering insurer or third party administrator by the Texas Health Insurance Risk Pool.
- HB 1520** Junell SPONSOR: Wentworth
Relating to public notice of ad valorem tax rates for certain taxing units with low tax levies.
- HB 1574** Bosse SPONSOR: Brown, J. E. "Buster"
Relating to the permitting of discharges from certain sewage treatment and disposal systems in certain counties.
- HB 1581** Isett SPONSOR: Duncan
Relating to park passes for volunteer youth groups.
- HB 1625** Pitts SPONSOR: Armbrister
Relating to the investment of funds of a nonprofit water supply or sewer service corporation.
- HB 1677** Janek SPONSOR: Moncrief
Relating to immunizations for elderly residents of nursing homes.
- HB 1707** Uher SPONSOR: Armbrister
Relating to registration of certain motor vehicles by a county tax assessor-collector.
- HB 1715** Denny SPONSOR: Carona
Relating to the phone number or address of a person making a report of abuse or neglect or a report of other conduct or conditions in a convalescent or nursing home.
- HB 1732** Crownover SPONSOR: Harris
Relating to testing of certain equine animals for equine infectious anemia; providing a criminal penalty.

HB 1838 Smith SPONSOR: Moncrief
Relating to the regulation of the practice of professional sanitarians;
providing a penalty.

HB 1978 Kuempel SPONSOR: Wentworth
Relating to exempting property owned by organizations that provide support
to elderly persons from ad valorem taxation.

HB 2061 Averitt SPONSOR: Sibley
Relating to coverage by a health benefit plan of certain prescription drugs.
(COMMITTEE SUBSTITUTE)

HB 2176 Siebert SPONSOR: Jackson
Relating to the discharge of a lien against a motor vehicle.

HB 2809 Swinford SPONSOR: Bivins
Relating to requiring a grain transportation study.

HB 2827 Isett SPONSOR: Nelson
Relating to the validity of an authorization to disclose health care
information.

HB 2866 Kuempel SPONSOR: Wentworth
Relating to assistance funds for mandatory health care services provided in
certain counties.

HB 3023 Smithee SPONSOR: Sibley
Relating to a minimum net worth requirement for health maintenance
organizations.

HB 3568 Uher SPONSOR: Jackson
Relating to the establishment of the Office of District Treasurer of Brazos
River Harbor Navigation District.

HCR 102 Hilderbran SPONSOR: Wentworth
Memorializing the U.S. Congress to act to ensure the future of the Kerrville
Veterans Administration Medical Center.

HCR 133 Haggerty SPONSOR: Shapleigh
Showing the Legislature's support for the renewal of the McGregor Range
Military Land Withdrawal (P.L. 99-606).

SB 1092 Brown, J. E. "Buster"
Relating to the creation of a development corporation for spaceport facilities;
granting the power of eminent domain and the right to issue bonds.

SB 1870 Haywood
Relating to the duty of the Stamford Hospital District to provide for the
payment of debts and obligations prior to its dissolution.

Respectfully,

Betty King
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 13, 1999 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 394 Jackson
Relating to a disqualification for unemployment benefits for claimants who have received certain post-termination payments.

SB 644 Haywood
Relating to creating a covenant marriage.

SB 923 Wentworth
Relating to supervision of a vehicle operator holding an instruction permit; providing penalties.

SB 1179 Wentworth
Relating to an optional defined contribution retirement plan for persons eligible to participate in the Employees Retirement System of Texas.

SB 1518 Cain
Relating to the collection of a filing fee by certain statutory probate courts and to the annual salary supplement paid by the state to certain statutory probate court judges.

SB 1677 Bernsen
Relating to the method of payment of fees for goods sold or services provided by the Texas Department of Transportation or for the administration of Texas Department of Transportation programs.

Respectfully,

Betty King
Secretary of the Senate

Message No. 5

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, May 13, 1999 - 5

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 129 Brown, J. E. "Buster"
Relating to the regulation of professional geoscientists; providing penalties.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 12

Agriculture & Livestock - **SB 705**

Appropriations - **SB 928**

Business & Industry - **SB 434**

Criminal Jurisprudence - **SB 403, SB 962**

Energy Resources - **SB 792, SB 1883**

Financial Institutions - **SB 762**

Human Services - **SB 1586, SB 1678**

Insurance - **SB 1030**

Land & Resource Management - **SB 872**

Natural Resources - **HB 3831, HB 3839, HB 3853, SB 1277, SB 1877**

Pensions & Investments - **SB 1128**

State Affairs - **SB 1438**

ENGROSSED

May 12 - HB 351, HB 487, HB 598, HB 907, HB 1151, HB 1357, HB 1480, HB 1678, HB 1777, HB 1811, HB 2388, HB 2447, HB 2609, HB 2729, HB 2781, HB 2858, HB 3049, HB 3324, HB 3623, HB 3836, HJR 73

ENROLLED

May 12 - HB 1063, HB 1269

SENT TO THE GOVERNOR

May 12 - HB 88, HB 152, HB 234, HB 264, HB 436, HB 510, HB 525, HB 565, HB 592, HB 605, HB 614, HB 670, HB 788, HB 833, HB 888,

**HB 924, HB 1063, HB 1074, HB 1121, HB 1149, HB 1173, HB 1355,
HB 1413, HB 1495, HB 1539, HB 1982, HB 1985, HB 2122, HB 2181,
HB 2332, HB 2398, HB 2442, HB 2465, HB 2932, HB 3157, HB 3271,
HB 3319, HB 3591, HB 3790, HCR 21, HCR 23, HCR 31, HCR 51, HCR 179,
HCR 208, HCR 255, HCR 262, HCR 263**

SIGNED BY THE GOVERNOR

May 12 - HB 251, HB 677, HB 688, HB 1303, HB 1304, HB 1610