

# HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

SEVENTY-FIFTH DAY — MONDAY, MAY 17, 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 350).

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

Absent, Excused — Corte; Craddick; Crownover; Culberston; Hill.

The invocation was offered by Reverend James Knox Duncan, Saint John's Anglican Church, Boerne, as follows:

Almighty God, supreme architect of the universe, we invoke your name this morning because it is good and proper, always and everywhere, to thank you for our creation, our preservation, and all the blessings of life. And we claim your promise that when two or three are gathered together in your name, you will be in the midst of them. From primal elements you created us in your image, giving us memory, reason, and the will to become the rulers of creation, your viceroys on earth. Too often, history confirms, we have strayed from your ways by what we have done and by what we have left undone. Again and again, through prophets and sages, you called us to practice your law, to instill it in our children, to think on it at home and in the marketplace. In the fullness of time, you sent your incarnate word with a new commandment, the secret of wisdom, that we should balance love for ourselves with love for our neighbors: that we should do unto others as we would have them do unto us. We pray not so much to be relieved of problems but to be given the patience and skill to overcome them. Mighty collectivist governments this century proclaimed your demise; but at the

approach of Year 2000, we find those governments humbled because, we believe, your spirit and the spirit behind history are one and the same thing. We have come to know that your greatest gifts are not things but ideas and attitudes. And so, Lord, you who have given us this great state as our heritage, endue our legislators with the wisdom and strength to know and to do your will. May they balance the authority of government with individual freedom. May their work foster industry, responsibility, learning, and civility. Amen.

### LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Corte on motion of Grusendorf.

Hill on motion of Naishtat.

Culberson on motion of Keel.

Craddick on motion of Denny.

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

Crownover on motion of Hardcastle.

### HR 918 - ADOPTED

(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 918**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 918**, Honoring Abilene High School student Stefani Slough for her title of Miss Texas Panhandle.

**HR 918** was read and was adopted without objection.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 918** as signers thereof.

### HR 955 - ADOPTED

(by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 955**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 955**, Honoring Ann Marie Graham as an outstanding young Texan.

**HR 955** was adopted without objection.

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

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

**SB 717 ON SECOND READING  
(Green, Hupp, Clark, and B. Turner - House Sponsors)**

**SB 717**, A bill to be entitled An Act relating to certain suits against firearms or ammunition manufacturers, trade associations, or sellers.

**SB 717** was passed to third reading. (Burnam, Danburg, Dutton, Gray, Greenberg, Hinojosa, Maxey, Naishtat, Puente, Rangel, Thompson, and S. Turner recorded voting no)

**CSSB 138 ON SECOND READING  
(Hochberg, et al. - House Sponsors)**

**CSSB 138**, A bill to be entitled An Act relating to government restrictions on the exercise of religion.

Representative Hochberg moved to postpone consideration of **CSSB 138** until 11 a.m. today.

The motion prevailed without objection.

**SB 107 ON SECOND READING  
(Chavez - House Sponsor)**

**SB 107**, A bill to be entitled An Act relating to the designation of March 31 as Cesar Chavez Day.

**SB 107** was passed to third reading. (Culberson, Hartnett, Heflin, and Keel recorded voting no)

**SB 107 - REASON FOR VOTE**

The establishment of a holiday reserved to specifically honor the Hispanic heritage of this state is long overdue. In our zeal to accomplish this goal by recognizing one contemporary political figure, the 76th Legislature of Texas has overlooked and passed over historical figures whose bravery and sacrifices are largely responsible for the birth and survival of this great state and the freedoms and democracy we too often take for granted.

We would not even be here as a legislature talking about this were it not for heroes like Juan Seguin and other Tejanos.

Seguin was born in 1806 in San Antonio de Bexar, Texas. Seguin led volunteers and fought in defense of the Mexican Constitution of 1824 and the freedoms it guaranteed for all citizens, including the citizens of his native Texas. Like the struggle of the United States against England, Seguin battled to preserve the rights and freedoms Mexico had won from Spain in 1821. Fighting against dictatorship, Seguin fought in the battles of Conception and Bexar. He was also one of the defenders of the Alamo, and Travis chose Seguin to leave as a courier to rally reinforcements. The Alamo was stormed by Santa Anna before Seguin could return.

Seguin thereafter commanded the rear guard of the Texan army, protecting Texan families left in the path of Santa Anna's continued incursion into Texas and he was instrumental in preventing the Mexican army from overtaking the Texan forces.

During the battle of San Jacinto, Seguin commanded the 9th company, 2nd regiment. After the battle, he was promoted to lieutenant colonel and presided over Bexar until a civilian government could be reestablished. It was Seguin who conducted a ceremony in Spanish at the site of the Alamo one year after the battle, interring the ash remains of the Alamo defenders.

Seguin served in the Senate of the Republic of Texas from 1838 to 1840 and was elected mayor of San Antonio in 1841. He was imprisoned in Laredo by the Mexicans in 1842 and suffered considerable political slander and personal deprivation for many of the following years. The city of Seguin is named in honor of Juan Seguin.

In our haste to fall into line with the political correctness of honoring a contemporary political activist, we unwittingly short-change the Hispanic heritage of Texas by ignoring the valiant acts of our native Tejano parentage.

We allow contemporary politics to dominate this overdue action of establishing a holiday important to all of us and particularly important to persons of Hispanic heritage. It is a disservice to not consider that the actions we take today are intended to have historical impact, yet we do not even consider the historical perspective.

Keel  
Culberson

**CSSB 192 ON SECOND READING**  
(Junell - House Sponsor)

**CSSB 192**, A bill to be entitled An Act relating to contracts with and compensation of administrators of public institutions of higher education.

**CSSB 192** was passed to third reading.

**SB 201 ON SECOND READING**  
(Seaman - House Sponsor)

**SB 201**, A bill to be entitled An Act relating to the ability of a navigation district to contract with other parties.

**SB 201** was passed to third reading.

**SB 60 ON SECOND READING**  
(Goolsby, Chavez, Delisi, and A. Reyna - House Sponsors)

**SB 60**, A bill to be entitled An Act relating to the wearing of safety belts by certain vehicle passengers; providing penalties.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Alexander, Representative Goolsby offered the following committee amendment to **SB 60**:

Amend **SB 60** as follows:

(1) On page 1, line 7, between "passenger car" and "that is equipped", insert "or light truck".

(2) On page 1, strike lines 14-20, and substitute the following:

(h) In this section:

(1) "~~Passenger~~["~~passenger~~] car" includes a truck with a manufacturer's rated carrying capacity of not more than 1,500 pounds.

(2) "Safety belt" means a lap belt and any shoulder straps included as original equipment on or added to a vehicle.

Amendment No. 1 was adopted without objection.

**SB 60**, as amended, was passed to third reading. (Berman, Chisum, Counts, Denny, Heflin, Keffer, Keel, Swinford, Talton, Uher, and Walker recorded voting no)

### **CSSB 178 ON SECOND READING (Junell and Flores - House Sponsors)**

**CSSB 178**, A bill to be entitled An Act relating to codification of certain state agency practices and duties currently prescribed by the General Appropriations Act.

**CSSB 178** was passed to third reading. (Hartnett recorded voting no)

### **CSSB 8 ON SECOND READING (Goodman - House Sponsor)**

**CSSB 8**, A bill to be entitled An Act relating to the compilation of information pertaining to criminal combinations and criminal street gangs and to the establishment of a statewide database of criminal street gang information.

#### **Amendment No. 1**

Representative Goodman offered the following amendment to **CSSB 8**:

Amend **CSSB 8** as follows:

On page 6, line 17, add Subsections 61.08 (d) through (g) to read as follows:

(d) A person who is entitled under Subsection (a) to seek a determination by a criminal justice agency on whether information complies with the submission criteria of Article 61.02 (c) is entitled to seek judicial review of that determination in a district court of the county in which the person resides.

(e) On the filing of a petition for review, the district court shall conduct an in-camera review of the criminal information that is the request to determine if it complies with the submission criteria of Article 61.02 (c).

(f) If, after conducting an in-camera review of criminal information under Subsection (e), the court finds that the information does not comply with the submission criteria of Article 61.02 (c), the court shall order the criminal justice agency that collected the information to immediately remove all records containing the information and notify the department of its action under Article 61.08 (b) (2). Information from the review by the district court shall remain confidential and shall not be released.

(g) A petitioner may appeal a final judgment of a district court conducting an in-camera review under this article.

Amendment No. 1 was adopted without objection.

**CSSB 8**, as amended, was passed to third reading. (Dutton, Edwards, G. Lewis and Wilson recorded voting no)

**SB 583 ON SECOND READING  
(S. Turner - House Sponsor)**

**SB 583**, A bill to be entitled An Act relating to a prospective state contractor who is indebted to or owes delinquent taxes to the state.

**SB 583** was passed to third reading.

**CSSB 674 ON SECOND READING  
(Pitts - House Sponsor)**

**CSSB 674**, A bill to be entitled An Act relating to the regulation of property tax professionals, including county tax assessor-collectors.

**CSSB 674** was passed to third reading.

**SB 778 ON SECOND READING  
(Ramsay - House Sponsor)**

**SB 778**, A bill to be entitled An Act relating to the requirements for posting a bond by a county treasurer.

**SB 778** was passed to third reading.

**SB 430 ON SECOND READING  
(Coleman - House Sponsor)**

**SB 430**, A bill to be entitled An Act relating to the punishment for certain Class C habitual offenders.

(Keel in the chair)

**SB 430** was passed to third reading. (Edwards, Heflin, and G. Lewis recorded voting no)

(Speaker in the chair)

**POSTPONED BUSINESS**

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

**CSSB 138 ON SECOND READING  
(Hochberg, et al. - House Sponsors)**

**CSSB 138**, A bill to be entitled An Act relating to government restrictions on the exercise of religion.

**CSSB 138** was read second time earlier today and was postponed until this time.

**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. 51).

**CSSB 138 - (consideration continued)****Amendment No. 1**

Representative Hochberg offered the following amendment to **CSSB 138**:

Amend **CSSB 138** as follows:

(1) In SECTION 1, in added Section 110.003(d), Civil Practice and Remedies Code (house committee printing, page 3, line 1), strike "a valid" and substitute "an".

(2) In SECTION 1, in added Section 110.003(d), Civil Practice and Remedies Code (house committee printing, page 3, line 3), between "municipal jail" and "or", insert ", juvenile detention facility,".

(3) In SECTION 1, in added Section 110.003(d), Civil Practice and Remedies Code (house committee printing, page 3, line 5), between "municipality," and "the Texas Youth Commission,", insert "a community supervision and corrections department,".

(4) In SECTION 1, in added Section 110.005(d), Civil Practice and Remedies Code (house committee printing, page 3, line 6), before "injunctive relief" insert "declaratory or".

(5) In SECTION 1, in added Section 110.006(b), Civil Practice and Remedies Code (house committee printing, page 4, line 27 through page 5, line 5), strike Subdivisions (1) and (2) and substitute the following:

(1) the exercise of governmental authority that threatens to substantially burden the person's free exercise of religion is imminent and the person was not informed and did not otherwise have knowledge of the exercise of the governmental authority in time to reasonably provide the notice; or

(2) the person complied with an inmate grievance system as required under Section 501.008, Government Code, before bringing the action.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representatives Hochberg and Chisum offered the following amendment to **CSSB 138**:

Amend **CSSB 138**, in SECTION 1, by striking added Section 110.011, Civil Practice and Remedies Code (house committee printing, page 7, lines 3-9), and substituting the following:

Sec. 110.011. CIVIL RIGHTS. (a) Except as provided in Subsection 9(b), this chapter does not establish or eliminate a defense to a civil action or criminal prosecution under a federal or state civil rights law.

(b) This chapter is fully applicable to claims regarding the employment, education, or volunteering of those who perform duties such as spreading or teaching faith, performing devotional services, or internal governance, for a religious organization. For the purposes of this subsection, an organization is a religious organization if:

(1) the organization's primary purposes and functions are religious, it is a religious school organized primarily for religious and educational purposes, or it is a religious charity organized primarily for religious and charitable purposes; and

(2) it does not engage in activities that would disqualify it from tax exempt status under Section 501(c) (3), Internal Revenue Code of 1986, as it existed on August 30, 1999.

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representatives Smithee and Chisum offered the following amendment to **CSSB 138**:

Amend **CSSB 138** on page 3, by striking lines 1 through 8 and inserting the following:

(d) For purposes of this chapter, Sections 498.0045 and 501.008, Government Code, and Chapter 14 of this code, apply to all counties and municipalities.

Representative Hochberg moved to table Amendment No. 3.

The motion to table prevailed. (Delisi, Flores, Heflin, Junell, Shields, Swinford, and Talton recorded voting no)

### **Amendment No. 4**

Representative Dunnam offered the following amendment to **CSSB 138**:

Amend **CSSB 138**, in SECTION 1 of the bill in added Section 110.005, Civil Practice and Remedies Code (house committee printing, page 4, between lines 10-11), by inserting new Subsection (f) to read as follows:

(f) This section does not affect the right of a government agency to seek declaratory, injunctive, or other relief authorized under Chapter 37 or other law.

Amendment No. 4 was adopted without objection.

**CSSB 138**, as amended, was passed to third reading. (Clark recorded voting yes; Danburg no; Burnam, present, not voting)

## **CAPITOL PHYSICIAN**

The speaker recognized Representative Hilderbran who presented Dr. John D. Weaver of Blanco as the "Doctor for the Day."

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

## **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. 1, 2, and 3).

## **RULES SUSPENDED**

Representative Alexander moved to suspend the 5-day posting rule to allow the Committee on Transportation to consider **SB 836**, **SB 1677**, and **SB 1872**.

The motion prevailed without objection.



**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

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

State Affairs, on recess today, E2.010, for a formal meeting.

Corrections, on recess today, Desk 2, for a formal meeting, to consider old business.

**RECESS**

Representative Naishtat moved that the house recess until 2 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:07 p.m., recessed until 2 p.m. today.

**AFTERNOON SESSION**

The house met at 2 p.m. and was called to order by the speaker.

**GENERAL STATE CALENDAR  
(consideration continued)****SB 306 ON SECOND READING  
(Keel, Allen, and Staples - House Sponsors)**

**SB 306**, A bill to be entitled An Act relating to the eligibility of certain defendants convicted of felonies for release on bail pending appeal.

**SB 306** was passed to third reading.

**SB 205 ON SECOND READING  
(J. Jones - House Sponsor)**

**SB 205**, A bill to be entitled An Act relating to the fee associated with the installation or the monitoring of a motor vehicle ignition interlock device required as a condition of bail.

**SB 205** was passed to third reading.

**SB 203 ON SECOND READING  
(J. Jones - House Sponsor)**

**SB 203**, A bill to be entitled An Act relating to the restrictions on political activities of full-time employees of a county elections administrator's office in certain counties.

**SB 203** was passed to third reading.

**SB 232 ON SECOND READING  
(Haggerty - House Sponsor)**

**SB 232**, A bill to be entitled An Act relating to the notification of a court on the discharge of a person from the Texas Department of Criminal Justice or release on parole or mandatory supervision.

**SB 232** was passed to third reading.

**SB 217 ON SECOND READING**  
(Walker - House Sponsor)

**SB 217**, A bill to be entitled An Act relating to the exemption of certain persons from grand jury service.

**SB 217 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Walker moved to lay **SB 217** on the table subject to call. The motion prevailed without objection.

**SB 262 ON SECOND READING**  
(Bosse - House Sponsor)

**SB 262**, A bill to be entitled An Act relating to the reimbursement of landowners or developers prior to annexation of a water-related special district.

**Amendment No. 1**

Representative Bosse offered the following amendment to **SB 262**:

Amend **SB 262** as follows:

- (1) On page 3, line 6, insert the following after "all": "estimated".
- (2) On page 3, line 8, insert the following between ";" and "including": "determined to be owed".
- (3) On page 3, line 9, insert the following between "developer" and "as": "within five days of final determination in immediately available funds".

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Bosse offered the following amendment to **SB 262**:

Amend **SB 262** as follows:

On page 3, line 10, insert the following after ";": "Either the municipality or developer may, by written notice to the other party, require disputes regarding the amount owed under this section to be subject to non-binding arbitration in accordance with the rules of the American Arbitration Association."

Amendment No. 2 was adopted without objection.

**SB 262**, as amended, was passed to third reading.

**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. 4).

**SB 405 ON SECOND READING**  
(Averitt and Janek - House Sponsors)

**SB 405**, A bill to be entitled An Act relating to the extension of certain group life insurance coverage to spouses and children.

**SB 405** was passed to third reading.

**SB 187 ON SECOND READING**  
**(Keel - House Sponsor)**

**SB 187**, A bill to be entitled An Act relating to the release of certain information relating to a juvenile offender suspected of fleeing after committing certain violent crimes.

**SB 187** was passed to third reading.

**SB 185 ON SECOND READING**  
**(Coleman - House Sponsor)**

**SB 185**, A bill to be entitled An Act relating to certain permissible conditions of placement on deferred disposition for offenses involving the use of alcohol, a controlled substance, or drugs.

**SB 185** was passed to third reading.

**CSSB 19 ON SECOND READING**  
**(Naishtat - House Sponsor)**

**CSSB 19**, A bill to be entitled An Act relating to the issuance and renewal of certain initial probationary licenses granted for a nursing or convalescent home or related institution.

**CSSB 19** was passed to third reading.

**SB 111 ON SECOND READING**  
**(Smith - House Sponsor)**

**SB 111**, A bill to be entitled An Act relating to an optional majority vote requirement for election of trustees in certain independent school districts.

(Culberson now present)

**SB 111** was passed to third reading.

**HR 985 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 985**, suspending the limitations on the conferees for **SB 1129**.

**SB 149 ON SECOND READING**  
**(Goodman - House Sponsor)**

**SB 149**, A bill to be entitled An Act relating to student intercollegiate athletic fees at The University of Texas at Arlington.

**SB 149** was passed to third reading.

**CSSB 172 ON SECOND READING**  
**(Solomons - House Sponsor)**

**CSSB 172**, A bill to be entitled An Act relating to a qualified commercial loan.

**CSSB 172** was passed to third reading.

**SB 557 ON SECOND READING**  
**(Keel - House Sponsor)**

**SB 557**, A bill to be entitled An Act relating to the discovery of expert witnesses in a criminal trial.

**Amendment No. 1**

Representative Hinojosa offered the following amendment to **SB 557**:

Amend **SB 557**, in SECTION 1 of the bill, in amended Article 39.14, Code of Criminal Procedure, (House Committee Printing, page 2) by striking line 9 and substituting the following:

party, but in specifying the time in which the other party shall make disclosure the court shall require the other party to make the disclosure not later than the 20th day before the date the trial begins.

(c) In addition to criminal actions described by Subsection (a), this article applies to a proceeding under Article 11.071.

Amendment No. 1 was adopted without objection.

**SB 557**, as amended, was passed to third reading.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Farrar on motion of Noriega.

J. Moreno on motion of Hardcastle.

**SB 717 - VOTE RECONSIDERED**

Representative Longoria moved to reconsider the vote by which **SB 717** was passed to third reading earlier today.

The motion to reconsider was lost. (Record 351): 39 Yeas, 101 Nays, 2 Present, not voting.

Yeas — Alvarado; Burnam; Capelo; Coleman; Danburg; Davis, Y.; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Garcia; Giddings; Gray; Greenberg; Hinojosa; Hodge; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McClendon; Moreno, J.; Moreno, P.; Naishtat; Najera; Olivo; Pickett; Puente; Rangel; Reyna, A.; Salinas; Solis, J.; Thompson; Turner, S.; Uresti; Van de Putte; Wolens.

Nays — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Carter; Chisum; Christian; Clark; Cook; Counts; Crabb; Cuellar; Culberson; Davis, J.; Delisi; Denny; Deshotel; Driver; Dunnam; Eiland; Elkins; Ellis; Farabee; Gallego; George; Glaze; Goolsby; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hochberg; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, R.; Madden; Marchant; McCall; McReynolds; Merritt; Morrison; Mowery; Nixon; Noriega; Palmer; Pitts;

Ramsay; Reyna, E.; Ritter; Sadler; Seaman; Shields; Siebert; Smith; Smithee; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Tillery; Truitt; Turner, B.; Uher; Walker; West; Williams; Wilson; Wohlgemuth; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Corte; Craddick; Crownover; Hill.

Absent — Flores; Goodman; Oliveira; Wise.

### STATEMENT OF VOTE

When Record No. 351 was taken, my vote failed to register. I would have voted no.

Wise

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Public Education, will not meet today.

### SB 507 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative West submitted the conference committee report on **SB 507**.

Representative West moved to adopt the conference committee report on **SB 507**.

A record vote was requested.

The motion prevailed by (Record 352): 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; Counts; Crabb; Cuellar; Culberson; 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; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Craddick; Crownover; Hill.

Absent — Garcia; Moreno, J.; Puente; Talton.

**HB 64 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 64**, A bill to be entitled An Act relating to a Texas community investment program to assist certain businesses in distressed areas of the state.

On motion of Representative Greenberg, the house concurred in the senate amendments to **HB 64**. (Culberson recorded voting no)

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

Amend **HB 64**, adding an appropriately numbered SECTION to read as follows:

"SECTION \_\_. This Act takes effect only if a specific appropriation for the implementation of this Act is provided in **HB 1** (General Appropriations Act), Acts of the 76th Legislature, Regular Session, 1999. If no specific appropriation is provided in **HB 1**, the General Appropriations Act, this Act has no effect."

**HB 79 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 79**, A bill to be entitled An Act relating to the eligibility of a person to serve on an appraisal review board.

On motion of Representative Gallego, the house concurred in the senate amendments to **HB 79** by (Record 353): 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; Counts; Crabb; 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; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; 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.

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

Absent, Excused — Corte; Craddick; Crownover; Hill.

Absent — Lengefeld; Moreno, J.; Shields.

### STATEMENTS OF VOTE

When Record No. 353 was taken, I would have voted yes.

Lengefeld

When Record No. 353 was taken, I was in the house but away from my desk. I would have voted yes.

Shields

### Senate Committee Substitute

**CSHB 79**, A bill to be entitled An Act relating to eligibility to serve on an appraisal review board.

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

SECTION 1. Subsection (c), Section 6.41, Tax Code, is amended to read as follows:

(c) To be eligible to serve on the board, an individual must be a resident of the district and must have resided in the district for at least two years. [~~A member of the appraisal district board of directors or an officer or employee of the comptroller, the appraisal office, or a taxing unit is ineligible to serve on the board. In an appraisal district established for a county having a population of more than 300,000, an individual who has served for all or part of three previous terms as a board member or auxiliary board member on the appraisal review board, is a former member of the governing body or an officer or employee of a taxing unit, or is a former director, officer, or employee of the appraisal district is ineligible to serve on the appraisal review board. In an appraisal district established for any other county, an individual who has served for all or part of three consecutive terms as a board member or auxiliary board member on the appraisal review board is ineligible to serve on the appraisal review board during a term that begins on the next January 1 following the third of those consecutive terms.~~]

SECTION 2. Section 6.412, Tax Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) A person is ineligible to serve on the appraisal review board if the person is a member of the board of directors, officer, or employee of the appraisal district, an employee of the comptroller, or a member of the governing body, officer, or employee of a taxing unit.

(d) A person is ineligible to serve on the appraisal review board of an appraisal district established for a county having a population of more than 100,000:

(1) if the person [is]:

(A) has served for all or part of three previous terms as a board member or auxiliary board member on the appraisal review board; or

(B) is ~~[(+)]~~ a former member of the board of directors, officer, or employee of the appraisal district [or a taxing unit for which the appraisal district appraises property]; or

~~(2) if the person served as [a former member of the board of directors of the appraisal district; or]~~

~~[(3)] a [former] member of the governing body or officer of a taxing unit for which the appraisal district appraises property, until the fourth anniversary of the date the person ceased to be a member or officer;~~

~~(4) if the person has ever appeared before the appraisal review board for compensation.~~

(e) In an appraisal district established for a county having a population of 100,000 or less, a person who has served for all or part of three consecutive terms as a board member or auxiliary board member on the appraisal review board is ineligible to serve on the appraisal review board during a term that begins on the next January 1 following the third of those consecutive terms.

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

### **HB 347 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 347**, A bill to be entitled An Act relating to the financing of certain eligible projects for criminal justice purposes.

On motion of Representative Averitt, the house concurred in the senate amendments to **HB 347** by (Record 354): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; 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; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Najera; Nixon; Noriega; 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; Zbrank.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Craddick; Crownover; Hill.

Absent — Capelo; Naishtat.

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

Amend **HB 347**, in SECTION 2 of the bill, in proposed Section 361.052(b), Local Government Code, between "subchapter" and the period at the end of the section (page 2, line 24, house engrossment), by inserting "except that an entity's obligations may be refunded by the issuance of bonds, as defined by the Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes), that are payable from a pledge of ad valorem tax receipts only if the issuance of the bonds is approved by a majority of votes cast at an election conducted as provided by the Election Code".

### **Senate Amendment No. 2**

Amend Committee Amendment No. 1 to **HB 347** (Senate Committee Printing, page 1, lines 16-17) by striking "as provided by the Election Code" and substituting "in accordance with the bond election procedures established by Chapter 1, Title 22, Revised Statutes".

### **HB 676 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 676**, A bill to be entitled An Act relating to prima facie speed limits for vehicles on highways.

Representative Isett 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 676**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 676**: Isett, chair, Alexander, Edwards, Hawley, and Noriega.

### **HB 819 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 819**, A bill to be entitled An Act relating to an objection to the mediation of certain proceedings on the basis of family violence.

Representative Naishtat 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 819**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 819**: Naishtat, chair, Goodman, A. Reyna, Morrison, and E. Reyna.

**HB 1196 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative A. Reyna called up with senate amendments for consideration at this time,

**HB 1196**, A bill to be entitled An Act relating to recognizing Texas Parenting Day.

On motion of Representative A. Reyna, the house concurred in the senate amendments to **HB 1196**.

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

Amend **HB 1196** as follows:

- (1) On line 6, strike "PARENTING" and substitute "PARENTS".
- (2) On line 7, strike "Parenting" and substitute "Parents".

**HB 1359 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1359**, A bill to be entitled An Act relating to the use of golf carts on public roadways.

On motion of Representative Krusee, the house concurred in the senate amendments to **HB 1359**.

**Senate Amendment No. 1**

Amend **HB 1359** to read as follows: In Section 1 of the bill, after subsection (a)(2)(B), add a new subsection (C) to read:

"(C) occurs on a public or private beach."

**HB 1396 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1396**, A bill to be entitled An Act relating to the development of a licensing model for intermediate care facilities for the mentally retarded.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 1396** by (Record 355): 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; Counts; Crabb; 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; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; 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; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Craddick; Crownover; Hill.

Absent — Marchant; Moreno, J.; Reyna, A.

### Senate Committee Substitute

**CSHB 1396**, A bill to be entitled An Act relating to the evaluation of licensing for intermediate care facilities for the mentally retarded.

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

SECTION 1. The Texas Department of Human Services shall evaluate the department's approach to licensing intermediate care facilities for the mentally retarded. In conducting its evaluation, the department shall consult with the Texas Department of Mental Health and Mental Retardation, facility providers and staff, advocates for facility residents, and facility residents and their families. The evaluation must consider appropriate distinctions between nursing facilities and intermediate care facilities.

SECTION 2. The Texas Department of Human Services shall present a report on its evaluation of the licensing of intermediate care facilities for the mentally retarded to the governor, lieutenant governor, and speaker of the house of representatives not later than October 1, 2000. The report must include any recommendations, based on the evaluation, for changes in law the department considers necessary.

SECTION 3. This Act expires January 17, 2001.

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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

**HB 1411 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1411**, A bill to be entitled An Act relating to the conservatorship of and access to certain children by parents having a history of family violence.

On motion of Representative Naishtat, the house concurred in the senate amendments to **HB 1411**.

**Senate Committee Substitute**

**CSHB 1411**, A bill to be entitled An Act relating to the conservatorship of and access to certain children by parents having a history of family violence.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Chapter 101, Family Code, is amended by adding Section 101.0125 to read as follows:

Sec. 101.0125. FAMILY VIOLENCE. "Family violence" has the meaning assigned by Section 71.004.

SECTION 2. Section 153.001(a), Family Code, is amended to read as follows:

(a) The public policy of this state is to:

(1) assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child;

(2) provide a safe, stable, and nonviolent environment for the child; and

(3) encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage.

SECTION 3. Section 153.004, Family Code, is amended by adding Subsection (d) to read as follows:

(d) The court may not allow a parent to have access to a child for whom it is shown by a preponderance of the evidence that there is a history or pattern of committing family violence during the two years preceding the date of the filing of the suit or during the pendency of the suit, unless the court:

(1) finds that awarding the parent access to the child would not endanger the child's physical health or emotional welfare and would be in the best interest of the child; and

(2) renders a possession order that is designed to protect the safety and well-being of the child and any other person who has been a victim of family violence committed by the parent and that may include a requirement that:

(A) the periods of access be continuously supervised by an entity or person chosen by the court;

(B) the exchange of possession of the child occur in a protective setting;

(C) the parent abstain from the consumption of alcohol or

a controlled substance, as defined by Chapter 481, Health and Safety Code, within 12 hours prior to or during the period of access to the child; or

(D) the parent attend and complete a battering intervention and prevention program as provided by Article 42.141, Code of Criminal Procedure, or, if such a program is not available, complete a course of treatment under Section 153.010.

SECTION 4. (a) This Act takes effect September 1, 1999, and applies to a suit affecting the parent-child relationship filed on or after that date. A suit filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

(b) The enactment of this Act does not by itself constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or portion of a decree that provides for the possession of or access to a child rendered before the effective date of this Act.

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.

#### **HB 1713 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1713**, A bill to be entitled An Act relating to the harassment of persons by individuals imprisoned or confined in adult or juvenile correctional facilities; creating an offense.

On motion of Representative Ellis, the house concurred in the senate amendments to **HB 1713**.

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

Amend **HB 1713** as follows:

(1) In SECTION 1 of the bill, in proposed Section 22.11, Penal Code, (House Engrossment, page 1, lines 15-20) by striking subsection (b) and substituting a new subsection (b) to read as follows:

"(b) An offense under this section is a felony of the third degree."

(2) In SECTION 1 of the bill, in the proposed Section 22.11, Penal Code, (House Engrossment) add a new subsection (c) to read as follows:

"(c) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section."

#### **HB 1976 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1976**, A bill to be entitled An Act relating to the continuation and functions of the Commission on Human Rights.

On motion of Representative Bosse, the house concurred in the senate amendments to **HB 1976**. (Christian, J. Davis, Howard, Keffer, Talton, Williams, and Wohlgemuth recorded voting no)

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

Amend **HB 1976** as follows:

(1) Strike lines 12 through 27, page 16, and substitute the following:

"(c) If the commission determines that the personnel policies and procedures of a state agency do not comply with this chapter, the commission shall recommend appropriate revisions to the personnel policies and procedures.

(d) The state agency shall take these recommendations into consideration and determine whether to revise the personnel policies and procedures.

(e) The review of a state agency's personnel policies and procedures shall be completed within one year.

Sec. 21.454. COMPLIANCE REPORT. Not later than 60 days after the commission completes the review of a state agency's personnel policies and procedures as required by Section 21.453 and provides its review and any recommendations to the agency, the agency shall submit to the commission, the governor, the legislature, and the Legislative Budget Board a report detailing:

(1) whether the agency implemented the recommendations of the commission; and

(2) if the agency did not implement all of the commission's recommendations, the reasons for rejecting those recommendations."

(2) On page 17, lines 12 through 13, strike the phrase "General Services Commission" and substitute the phrase "state auditor's office".

(3) Strike lines 16 through 26, page 19, and substitute the following:  
"Sec. 21.502. RECRUITMENT PLAN. Based upon a work force availability analysis under Section 21.501 that demonstrates the exclusion or underutilization of African Americans, Hispanic Americans, and females, or court-ordered remedies, or supervised conciliations or settlement agreements, each state agency, other than a public junior college as defined by Section 61.003, Education Code, shall develop and implement a plan to recruit qualified African Americans, Hispanic Americans, and females. The plan must comply with this chapter. The commission shall monitor state agencies to determine compliance with this section."

(4) Strike line 11, page 23 through line 9, page 24, and substitute the following:

"Sec. 21.556. REQUIRED COMPLIANCE TRAINING FOR STATE AGENCIES. (a) A state agency that receives three or more complaints of employment discrimination in a fiscal year, other than complaints determined to be without merit, shall provide a comprehensive equal employment opportunity training program to appropriate supervisory and managerial employees.

(b) The training may be provided by the commission or by another entity or person approved by the commission including a state agency.

(c) The state agency shall provide documentation of the training to the commission if the training is not conducted by the commission. The documentation shall include the dates the training was provided, the names of the persons attending the training, an agenda for the training program, and the name of the entity or person providing the training.

(c) The commission by rule shall adopt minimum standards for a training program described by subsection (a) and shall approve an entity or person to provide a training program if the program complies with the minimum standards adopted by the commission under this subsection.

(d) An agency required to participate in a program under this section shall pay the cost of attending the program or shall reimburse the commission or state agency providing the program through interagency contract. The cost of providing the program shall be determined and approved by the commission or state agency in cooperation with the state auditor's office.

### **HB 2061 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2061**, A bill to be entitled An Act relating to coverage by a health benefit plan of certain prescription drugs.

On motion of Representative Averitt, the house concurred in the senate amendments to **HB 2061**.

#### **Senate Committee Substitute**

**CSHB 2061**, A bill to be entitled An Act relating to coverage by a health benefit plan of certain prescription drugs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Subchapter E, Chapter 21, Insurance Code, is amended by adding Article 21.53M to read as follows:

#### Art. 21.53M. COVERAGE FOR OFF-LABEL DRUG USE

##### Sec. 1. DEFINITIONS. In this article:

(1) "Contraindication" means the potential for, or the occurrence of, an undesirable alteration of the therapeutic effect of a prescribed drug prescription because of the presence, in the patient for whom it is prescribed, of a disease condition, or the potential for, or the occurrence of, a clinically significant adverse effect of the drug on the patient's disease condition.

(2) "Drug" has the meaning assigned by Section 5, Texas Pharmacy Act (Article 4542a-1, Vernon's Texas Civil Statutes).

(3) "Health benefit plan" means a plan described by Section 2 of this article.

(4) "Indication" means any symptom, cause, or occurrence in a disease that points out the cause, diagnosis, course of treatment, or prognosis of the disease.

(5) "Peer-reviewed medical literature" means published scientific studies in any peer-reviewed national professional journal.

Sec. 2. SCOPE OF ARTICLE. (a) This article applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

- (1) an insurance company;
- (2) a group hospital service corporation operating under Chapter 20 of this code;
- (3) a fraternal benefit society operating under Chapter 10 of this code;
- (4) a stipulated premium insurance company operating under Chapter 22 of this code;
- (5) a reciprocal exchange operating under Chapter 19 of this code;
- (6) a health maintenance organization operating under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code);
- (7) a multiple employer welfare arrangement that holds a certificate of authority under Article 3.95-2 of this code; or
- (8) an approved nonprofit health corporation that holds a certificate of authority issued by the commissioner under Article 21.52F of this code.

(b) This article does not apply to:

- (1) a plan that provides coverage:
  - (A) only for a specified disease or other limited benefit;
  - (B) only for accidental death or dismemberment;
  - (C) for wages or payments in lieu of wages for a period during which an employee is absent from work because of sickness or injury;
  - (D) as a supplement to liability insurance;
  - (E) for credit insurance;
  - (F) only for dental or vision care;
  - (G) only for hospital expenses; or
  - (H) only for indemnity for hospital confinement;
- (2) a small employer health benefit plan written under Chapter 26 of this code;
- (3) a Medicare supplemental policy as defined by Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss), as amended;
- (4) workers' compensation insurance coverage;
- (5) medical payment insurance coverage issued as part of a motor vehicle insurance policy; or
- (6) a long-term care policy, including a nursing home fixed indemnity policy, unless the commissioner determines that the policy provides benefit coverage so comprehensive that the policy is a health benefit plan as described by Subsection (a) of this section.

Sec. 3. MINIMUM STANDARDS OF COVERAGE. (a) A health benefit plan that provides coverage for drugs must provide coverage for any drug prescribed to treat an enrollee for a covered chronic, disabling, or life-threatening illness if the drug:

- (1) has been approved by the Food and Drug Administration for at least one indication; and



(2) is recognized for treatment of the indication for which the drug is prescribed in:

(A) a prescription drug reference compendium approved by the commissioner for the purpose of this article; or

(B) substantially accepted peer-reviewed medical literature.

(b) Coverage of a drug required by this section shall include coverage of medically necessary services associated with the administration of the drug.

(c) A drug use that is covered under this section may not be denied based on a "medical necessity" requirement except for reasons that are unrelated to the legal status of the drug use.

(d) This section does not require coverage for:

(1) experimental drugs not otherwise approved for any indication by the Food and Drug Administration; or

(2) any disease or condition that is excluded from coverage under the plan.

(e) A health benefit plan is not required to cover a drug the Food and Drug Administration has determined to be contraindicated for treatment of the current indication.

Sec. 4. RULES. The commissioner may adopt rules to implement this article.

SECTION 2. This Act takes effect September 1, 1999, and applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2000. A health benefit plan that is delivered, issued for delivery, or renewed before January 1, 2000, 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. 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 2617 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2617**, A bill to be entitled An Act 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.

### **HB 2617 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE BOSSE: This is the sunset legislation for the Texas Board of Private Investigators and Private Security Agencies soon to be called, maybe, the Texas Commission on Private Security if we adopt this. The most important of the amendments for the members, especially the ones at the back microphone, change the provisions regarding police departments monitoring alarm systems to exclude cities of 50,000 and less and exclude certain grandfathered activities.

REPRESENTATIVE GEORGE: Mr. Bosse, as you were saying on this bill that we have before us, you're right that the amendment to **HB 2617** from Robert Duncan in regards to the political subdivision's ability for the police to monitor the alarms. On line 12, Section E, a political subdivision may not advertise or solicit monitoring services, that's page 141. Is it your intent with this bill to prevent or to actually terminate a community's monitoring activities and limit it to exactly the number of people that are there today, or could they in fact grow that monitoring service for their citizens? Or does this bill say absolutely no more?

BOSSE: It is not my intent to limit them to the precise number that there are today. It is not my intent to prevent their base from expanding.

GEORGE: Is it also your intent, because it says in here, "advertising," and not being a lawyer, I don't want my community leaders to get caught. Is it your intent to prevent them from even informing and letting a citizen know that they are in fact monitoring or this service is being provided to certain citizens of the community? Let's say you've moved into the town and you're new, you're new to town, and you'd have no knowledge that the city is doing this. Are you preventing them from even informing the citizens?

BOSSE: You make it very difficult for me to answer our pre-rehearsed intent questions when you ask them three at a time, but it is not my intent by the prohibition against advertising and soliciting to prevent these police departments from informing persons of the availability of the services upon request or, as the result of the dissemination of that information, that their customer base could expand.

GEORGE: Okay. Well with the lack of desire to go to conference committee and the inability to amend that sentence out, I appreciate your establishing our intent today, thank you.

BOSSE: And I appreciate your service to the state.

REPRESENTATIVE WOOLLEY: Since I have a little different situation, I would also like to establish some legislative intent. Is it your intent not to affect cities operating under interlocal agreements, whose total population is under the population exemption of 50,000, who offer alarm monitoring services?

BOSSE: Yes, it is not my intent to affect those cities.

WOOLLEY: Thank you. One more question. Is it your intent not to impede the ability of cities operating under an interlocal agreement, whose total population is within the population cap, to advertise or to notify citizens of their alarm monitoring and other public safety programs and services?

BOSSE: Yes, it is not my intent to so prohibit those cities outside of this specific language of the statute.

WOOLLEY: Thank you, Representative Bosse. I appreciate your help.

BOSSE: And furthermore, it is the legislative intent for **HB 2617** that it is not the intent of any section of this legislation to prevent law enforcement

agencies from installing, servicing, or monitoring alarms designed to alert law enforcement to a criminal act in progress at a location that has experienced or is reasonably expected to experience a criminal act.

### REMARKS ORDERED PRINTED

Representative Bosse moved to print remarks by Representative Woolley, Representative George, and Representative Bosse.

The motion prevailed without objection.

On motion of Representative Bosse, the house concurred in the senate amendments to **HB 2617**.

### Senate Committee Substitute

**CSHB 2617**, A bill to be entitled An Act 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.

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

SECTION 1. Section 1, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. SHORT TITLE. This Act may be cited as the Private Security Act. Any reference in law to the Private Investigators and Private Security Agencies Act is a reference to the Private Security Act.

SECTION 2. Section 2, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by amending Subdivisions (1), (4), (5), and (33) and by adding Subdivision (37) to read as follows:

(1) "Board" means the Texas Commission on Private Security [~~Texas Board of Private Investigators and Private Security Agencies~~].

(4) "Guard company" means any person employing an individual described by Section 3(f) of this Act or engaging in the business of or undertaking to provide a private watchman, guard, or street patrol service on a contractual basis for another person and performing any one or more of the following or similar functions:

(a) prevention of intrusion, entry, larceny, vandalism, abuse, fire, or trespass on private property;

(b) prevention, observation, or detection of any unauthorized activity on private property;

(c) control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, only to the extent and for the time directly and specifically required to assure the protection of property;

(d) protection of individuals from bodily harm; or

(e) protection of one or more individuals from bodily harm through the use of a personal protection officer.

(5) "Alarm systems company" means any person that sells, installs, services, monitors, or responds to alarm systems, burglar alarm signal devices, detection devices, burglar alarms, robbery alarms, television cameras, or still cameras used to signal the presence of an emergency to which law

enforcement or emergency services are expected to respond [~~or any other electrical, mechanical, or electronic device used:~~

~~[(A) to prevent or detect burglary, theft, robbery, shoplifting, pilferage, shrinkage, or other losses of that type;~~

~~[(B) to prevent or detect intrusion; or~~

~~[(C) primarily to detect or summon aid for other emergencies].~~

(33) "Detection device" means an electronic device used as a part of a burglar or hold-up alarm including any control, communications, motion detector, door or window switch, sound detector, vibration detector, light beam, pressure mat, wiring, or similar device [~~or any electronic device used to limit access by persons into building structures or gate compounds, including any control, communications, motion detector, door or window switch, card or proximity readers, push-button key pad entry, gate entry device, door exit buttons, or similar device].~~

(37) "Private security consultant" means an individual who:

(A) consults, advises, trains, or specifies or recommends products, services, methods, or procedures in the security loss prevention industry;

(B) provides a service described by Paragraph (A) of this subdivision on an independent basis and without being affiliated with a particular service or product; and

(C) meets the experience requirements established by the board.

SECTION 3. Section 3, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and adding Subsection (f) to read as follows:

(a) This Act does not apply to:

(1) a person employed exclusively and regularly by one employer in connection with the affairs of an employer only and where there exists an employer-employee relationship; provided, however, any person who shall carry a firearm in the course of the [~~his~~] employment shall be required to obtain a private security officer commission under the provisions of this Act;

(2) except as provided by Subsection (d) of this Section, an officer or employee of the United States of America, or of this State or political subdivision of either, while the employee or officer is engaged in the performance of official duties;

(3) a person who has full-time employment as a peace officer, who receives compensation for private employment on an individual or an independent contractor basis as a patrolman, guard, or watchman, or, in a municipality with a population of 1 million or more, as an extra job coordinator, if the officer:

(A) is employed in an employee-employer relationship or employed on an individual contractual basis;

(B) is not in the employ of another peace officer;

(C) is not a reserve peace officer; and

(D) works as a peace officer on the average of at least 32 hours a week, is compensated by the state or a political subdivision of the

state at the rate of the minimum wage or higher, and is entitled to all employee benefits offered to a peace officer by the state or political subdivision;

(4) a person engaged exclusively in the business of obtaining and furnishing information for purposes of credit worthiness, ~~[or]~~ collecting debts, or ascertaining the reliability of information provided by [financial responsibility of] applicants for property, life, or disability insurance and for indemnity or surety bonds, with respect to persons, firms, and corporations;

(5) an attorney while engaged in the practice of law ~~[attorney-at-law in performing his duties];~~

(6) admitted insurers, insurance adjusters, agents, and insurance brokers licensed by the State, performing duties in connection with insurance transacted by them;

(7) a person who engages exclusively in the business of repossessing property that is secured by a mortgage or other security interest;

(8) a locksmith who does not install or service detection devices, does not conduct investigations, and is not a security service contractor;

(9) a person who owns and installs burglar detection or alarm devices on the person's [his] own property or, if the person [he] does not charge for the device or its installation, installs it for the protection of the person's [his] personal property located on another's property, and does not install the devices as a normal business practice on the property of another;

(10) an employee of a cattle association who is engaged in inspection of brands of livestock under the authority granted to that cattle association by the Packers and Stockyards Division of the United States Department of Agriculture;

(11) a common carrier by rail engaged in interstate commerce and regulated by state and federal authorities and transporting commodities essential to the national defense and to the general welfare and safety of the community;

(12) a licensed [registered] professional engineer practicing engineering or directly supervising engineering practice in accordance with the provisions of the Texas Engineering Practice Act, including [that does not install or service detection devices, does not conduct nonengineering investigations, is performing] forensic analysis [engineering studies], burglar alarm system engineering, and necessary data collection ~~[and is not a security services contractor];~~

(13) a person whose sale of burglar alarm signal devices, burglary alarms, television cameras, still cameras, or other electrical, mechanical, or electronic devices used for preventing or detecting burglary, theft, shoplifting, pilferage, or other losses is exclusively over-the-counter or by mail order;

(14) a person who holds a license or other form of permission issued by an incorporated city or town to practice as an electrician and who installs fire or smoke detectors in no building other than a single family or multifamily residence;

(15) a person or organization in the business of building construction that installs electrical wiring and devices that may include in part the installation of a burglar alarm or detection device if:

(A) the person or organization is a party to a contract that provides that the installation will be performed under the direct supervision of and inspected and certified by a person or organization licensed to install and certify such an alarm or detection device and that the licensee assumes full responsibility for the installation of the alarm or detection device; and

(B) the person or organization does not service or maintain burglar alarms or detection devices;

(16) a reserve peace officer while the reserve officer is performing guard, patrolman, or watchman duties for a county and is being compensated solely by that county;

(17) response to a burglar alarm or detection device by a law enforcement agency or by a law enforcement officer acting in an official capacity;

~~(18) [a person who, by education, experience, or background has specialized expertise or knowledge such as that which would qualify or tend to qualify such person as an expert witness, authorized to render opinions in proceedings conducted in a court, administrative agency, or governing body of this state or of the United States, in accordance with applicable rules and regulations and who does not perform any other service for which a license is required by provisions of this Act;~~

~~[(19)] an officer, employee, or agent of a common carrier, as defined by Section 153 [153(10)], Communications Act of 1934 (47 U.S.C. Section 153 [U.S.C.A. Sec. 151 et seq.]), and its subsequent amendments, while protecting the carrier or a user of the carrier's long-distance services from a fraudulent, unlawful, or abusive use of those long-distance services;~~

~~(19) [(20)] a person who sells or installs automobile burglar alarm devices and that does not perform any other act that requires a license under this Act;~~

~~(20) [(21)] a manufacturer, or a manufacturer's authorized distributor, who sells to the holder of a license under this Act equipment used in the operations for which the holder is required to be licensed;~~

~~(21) [(22)] a person employed as a noncommissioned security officer by a political subdivision of this state;~~

~~(22) [(23)] a person whose activities are regulated under Article 5.43-2, Insurance Code, except to the extent that those activities are specifically regulated under this Act;~~

~~(23) [(24)] a landman performing activities in the course and scope of the landman's business;~~

~~(24) [(25)] a hospital or a wholly owned subsidiary or affiliate of a hospital that provides medical alert services for persons who are sick or disabled, if the hospital, subsidiary, or affiliate is licensed under Chapter 241, Health and Safety Code, and the hospital does not perform any other service that requires a license under this Act;~~

~~(25) [(26)] a charitable, nonprofit organization that provides medical alert services for persons who are sick or disabled, if the organization:~~

~~(A) is exempt from federal taxation under Section 501(a) of the Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt entity under Section 501(c)(3) of that code[-Internal Revenue Code of 1986];~~

(B) has its monitoring services provided by a licensed person, licensed nurse, licensed physician assistant, or hospital or a wholly owned subsidiary or affiliate of a hospital licensed under Chapter 241, Health and Safety Code; and

(C) does not perform any other service that requires a license under this Act;

(26) [~~(27)~~] a person engaged in the business of electronic monitoring of a person as a condition of that person's probation, parole, mandatory supervision, or release on bail, if the person does not perform any other service that requires a license under this Act;

(27) [~~(28)~~] a nonprofit business or civic organization that:

(A) employs one or more peace officers meeting the qualifications of Subdivision (3) of this subsection as patrolmen, guards, or watchmen;

(B) provides the services of these peace officers only to:

(i) its members; or

(ii) if the organization does not have members, the members of the communities served by the organization as described in its articles of incorporation or other organizational documents;

(C) devotes the net receipts from all charges for the services exclusively to the cost of providing the services or to the costs of other services for the enhancement of the security or safety of:

(i) its members; or

(ii) if the organization does not have members, the members of the communities served by the organization as described in its articles of incorporation or other organizational documents; and

(D) does not perform any other service that requires a license under this Act;

(28) [~~(29)~~] a charitable, nonprofit organization that maintains a system of records to aid in the location of missing children if the organization:

(A) is exempt from federal taxation under Section 501(a) of the Internal Revenue Code of 1986, and its subsequent amendments, by being listed as an exempt entity under Section 501(c)(3) of that code; ~~Internal Revenue Code of 1986, and its subsequent amendments~~;

(B) exclusively provides services related to locating missing children; and

(C) does not perform any other service that requires a license under this Act;

(29) [~~(30)~~] a person engaged in the business of psychological testing or other testing and interviewing services (to include but not limited to attitudes, honesty, intelligence, personality, and skills) for preemployment purposes, if the person does not perform any other service that requires a license under this Act;

(30) [~~(31)~~] a person who does not perform any other act that requires a license under this Act, and who is engaged in obtaining information classified as a public record under Chapter 552, Government Code, regardless of whether for compensation, unless the person is a full-time employee, as

defined by Section 61.001, Labor Code, of a person licensed under this Act; [or]

(31) [(32)] a person who obtains a document for use in litigation under an authorization or subpoena issued for a written or oral deposition;

(32) a person who is employed full-time by and is commissioned as a campus security personnel employee by a private institution of higher education under Section 51.212, Education Code; or

(33) a peace officer commissioned by an incorporated municipality who is hired under Section 51.212, Education Code, on a regular basis by a private institution of higher education while that peace officer is operating within the scope of the peace officer's employment with the institution of higher education.

(f) Notwithstanding Subsection (a)(1) of this section, this Act applies to an individual who:

(1) works at a location that is open to the public; and

(2) in the course of employment:

(A) regularly comes into contact with the public; and

(B) wears a uniform with any type of badge commonly associated with security personnel or law enforcement or a patch or apparel with "security" or the name of the employer on the patch or apparel.

SECTION 4. Section 4(d), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(d) The Texas Commission on Private Security [~~Texas Board of Private Investigators and Private Security Agencies~~] is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission [~~board~~] is abolished and this Act expires September 1, 2009 [~~1999~~].

SECTION 5. Subchapter B, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Section 4A and by amending Section 5 to read as follows:

Sec. 4A. NAME CHANGE. The name of the Texas Board of Private Investigators and Private Security Agencies is changed to the Texas Commission on Private Security. A reference in this Act or other law to the Texas Board of Private Investigators and Private Security Agencies means the Texas Commission on Private Security.

Sec. 5. COMMISSION [BOARD] MEMBERSHIP. (a) The Texas Commission on Private Security is composed of an ex officio member as provided by Section 5A of this Act and nine members appointed by the governor with the advice and consent of the senate as follows:

(1) five public members, each of whom is a citizen of the United States;

(2) one member who:

(A) is licensed under this Act as a private investigator;

(B) has been engaged as a private investigator for at least the five years preceding appointment; and

(C) is not employed by a person who employs another member of the board;



(3) one member who is licensed under this Act as an alarm systems company and who:

(A) has been engaged as an alarm systems company for at least the five years preceding appointment; and

(B) is not employed by a person who employs another member of the board;

(4) one member who:

(A) is licensed under this Act as the owner or operator of a guard company;

(B) has been the owner or operator of the guard company for at least the five years preceding appointment; and

(C) is not employed by a person who employs another member of the board; and

(5) one member who:

(A) holds a license, security officer commission, or registration under this Act;

(B) has been engaged in activity regulated by the board under this Act for at least the five years preceding appointment; and

(C) is not employed by a person who employs another member of the board. [The board is composed of the following members:

~~[(1) the director of the Texas Department of Public Safety or his designated representative shall serve as an ex officio member of such board, and such service shall not jeopardize the individual's official capacity with the State of Texas;~~

~~[(2) the Attorney General or his designated representative shall serve as an ex officio member of such board, and such service shall not jeopardize the individual's official capacity with the State of Texas;~~

~~[(3) three members shall be appointed by the Governor, without regard to the race, creed, color, handicap, age, sex, religion, or national origin of the appointees and with the advice and consent of the Senate, who are citizens of the United States and residents of the State of Texas;~~

~~[(4) two members shall be appointed by the Governor, without regard to the race, creed, color, handicap, age, sex, religion, or national origin of the appointees and with the advice and consent of the Senate, who are licensed under this Act, who have been engaged for a period of five consecutive years as a private investigator or security services contractor, and who are not employed by the same person as any other member of the board; and~~

~~[(5) one member shall be appointed by the Governor without regard to the race, creed, color, handicap, age, sex, religion, or national origin of the appointee and with the advice and consent of the Senate, who:~~

~~[(A) is licensed under this Act as the owner or operator of a guard company;~~

~~[(B) has operated for at least five consecutive years as a guard company; and~~

~~[(C) is not employed by a person who employs any other member of the board.]~~

(b) Appointments to the board shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(c) ~~The board's public members must be representatives of the general public. A person may not be [is not eligible for appointment as] a public member of the board if the person or the person's spouse:~~

~~(1) is registered, commissioned, certified, or licensed by a [an occupational] regulatory agency in the field of private investigations or private security;~~

~~(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the board [related to the field of private security]; [or]~~

~~(3) owns or controls, directly or indirectly, more than a 10 percent [has, other than as a consumer, a financial] interest in a business entity or other organization regulated by or receiving money from the board; or~~

~~(4) uses or receives a substantial amount of tangible goods, services, or money from the board other than compensation or reimbursement authorized by law for board membership, attendance, or expenses [related to the field of private security].~~

~~[(c) A member or employee of the board may not be an officer, employee, or paid consultant of a trade association in the private security industry.]~~

~~(d) [A person who is the spouse of an officer, employee, or paid consultant of a trade association in or on behalf of a profession related to the operation of the board may not be a member of the board and may not be an employee, including an employee exempt from the state's classification plan, who is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule. A person who is required to register as a lobbyist under Chapter 305, Government Code, by virtue of the person's activities for compensation in or on behalf of a profession related to the operation of the board, may not serve as a member of the board or act as the general counsel to the board.]~~

~~[(e) It is a ground for removal from the board that [if] a member:~~

~~(1) does not have at the time of taking office [appointment] the qualifications required by Subsection (a) [or (b)] of this section [for appointment to the board];~~

~~(2) does not maintain during the service on the board the qualifications required by Subsection (a) [or (b)] of this section [for appointment to the board];~~

~~(3) is ineligible for membership under [violates a prohibition established by] Subsection (c) [or (d)] of this section or Section 5B of this Act;~~

~~(4) is absent from more than half [does not attend at least one-half] of the regularly scheduled board meetings that the member is eligible to attend during [held by the board in] a calendar year without an excuse approved by a majority vote[, excluding meetings held when the person was not a member] of the board; or~~

~~(5) cannot, because of illness or disability, [is unable to] discharge the member's duties for a substantial part of the member's term [for which the member was appointed because of illness or disability].~~

(e) [(f)] The validity of an action of the board is not affected by the fact that it is [was] taken when a ground for removal of a board member exists [of the board existed].

(f) [(g)] If the director has knowledge that a potential ground for removal exists, the director shall notify the presiding officer [chairman] of the board of the potential ground. The presiding officer [chairman of the board] shall then notify the governor and the attorney general [Governor] that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

[(h) For the purposes of this section, "trade association" means a nonprofit, cooperative, voluntarily joined association of business or professional competitors that is designed to assist its members and its industry or profession in dealing with mutual or professional problems and in promoting their common interests.]

SECTION 6. Subchapter B, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Sections 5A, 5B, and 5C to read as follows:

Sec. 5A. EX OFFICIO BOARD MEMBER. (a) The director of the Texas Department of Public Safety serves as an ex officio member of the board during the director's term of office and has the same powers and duties as other board members.

(b) The director of the Texas Department of Public Safety may delegate to a personal representative from the department the duty to represent the director on the board.

Sec. 5B. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

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

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

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

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

Sec. 5C. TRAINING REQUIREMENTS. (a) A person who is appointed to and qualifies for office as a board member may not vote, deliberate, or be

counted as a member in attendance at a board meeting until the person completes a training program that complies with this section.

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

- (1) this Act;
- (2) the programs operated by the board;
- (3) the role and functions of the board;
- (4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;
- (5) the current budget for the board;
- (6) the results of the most recent formal audit of the board;
- (7) the requirements of:

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

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

Code;

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

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

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

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

SECTION 7. Section 7, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 7. TERMS OF OFFICE. ~~[(\*)]~~ The appointed members of the board serve staggered six-year terms, and the terms of ~~three~~ ~~[two]~~ appointed members expire on January 31 of each odd-numbered year. Each appointed member shall hold office until ~~the member's~~ ~~[his]~~ successor is appointed and has qualified.

~~[(b) The director of the Department of Public Safety and the attorney general, or their representatives, serve on the board during their terms of office and shall perform the duties required of members of the board by this Act in addition to those duties required of them in other official capacities.]~~

SECTION 8. Section 10, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by amending Subsections (d) and (e) and adding Subsection (f) to read as follows:

(d) The director or the director's designee shall provide to board members and to agency employees, as often as necessary, information regarding the requirements for office or employment under this Act, including information regarding a person's ~~[The board shall inform its members and employees as often as is necessary of:~~

[(1) the qualifications for office or employment prescribed by this Act; and

~~[(2) their]~~ responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(e) The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the director and [adopt policies that clearly define the respective responsibilities of the governing body of the board and the] staff of the board.

(f) The board may commission investigators employed full-time by the board as peace officers for the limited purpose of assisting the board in investigating alleged violations of this Act and of board rules.

SECTION 9. Section 10A, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 10A. EQUAL EMPLOYMENT OPPORTUNITY; REPORT. (a) The director or the director's designee shall prepare and maintain a written policy statement that implements [to assure implementation of] a program of equal employment opportunity to ensure that [by which] all personnel decisions [transactions] are made without regard to race, creed, color, disability [handicap], age, sex, religion, or national origin.

(b) The policy statement must [shall] include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, [appointment,] training, and promotion of personnel, that show the intent of the board to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an [a comprehensive] analysis of the extent to which the composition of the board's personnel is in accordance with [work force that meets] federal and state law and a description of reasonable methods to achieve compliance with federal and state law [guidelines;

[3] procedures by which a determination can be made of significant underutilization, in the board's work force, of all persons of whom federal or state guidelines encourage a more equitable balance; and

[4] reasonable methods to appropriately address areas of significant underutilization, in the board's work force, of all persons of whom federal or state guidelines encourage a more equitable balance].

(c) [(b)] The policy statement [statements] must:

(1) be filed with the governor's office;

(2) be reviewed by the state Commission on Human Rights for compliance with Subsection (b)(1) of this section;[- cover an annual period;] and

(3) be updated at least annually. [The governor's office shall develop a biennial report to the legislature based on the information submitted. The report may be made separately or as a part of other biennial reports made to the legislature.]

SECTION 10. Subchapter B, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Section 10B to read as follows:

Sec. 10B. RULES AND POLICIES. (a) The board shall adopt rules and general policies to guide the agency in the administration of this Act.

(b) The rules and policies adopted by the board must be consistent with this Act and other board rules adopted under this Act and with any other applicable law, state rule, or federal regulation.

SECTION 11. Sections 11(d) and (e), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), are amended to read as follows:

(d) The board shall recognize, prepare, or administer continuing education programs for licensees, commissioned security officers, and registrants [~~private investigators~~] regulated by the board under this Act. The board shall set the minimum number of hours that must be completed and the types of programs that may be offered for licensees, commissioned security officers, and registrants [~~private investigators~~] regulated by the board. A licensee, commissioned security officer, or registrant must participate in the programs to the extent required by the board to keep the person's license, commission, or registration. A licensee, commissioned security officer, or registrant [~~private investigator~~] regulated by the board shall submit evidence of compliance with the board's continuing education requirements in a manner prescribed by the board. The continuing education requirements of this subsection do not apply to a noncommissioned security officer.

(e) The board shall develop and implement [~~adopt~~] policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

SECTION 12. Section 11B, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11B. REVOCATION, SUSPENSION, AND SUMMARY SUSPENSION.

(a) Except as provided by Section 11E of this Act, the [~~The~~] board shall revoke, [~~or~~] suspend, or refuse to renew a [~~any~~] registration, license, or security officer commission, or shall reprimand a [~~any~~] registrant, licensee, or commissioned security officer[~~; or deny an application for a registration, license, or security officer commission, or renewal thereof;~~] or may place on probation a person whose registration, license, or security officer commission has been suspended, on proof:

(1) that the applicant, licensee, commissioned security officer, or registrant has:

(A) violated [~~any provisions of~~] this Act or a rule of the board adopted [~~of the rules and regulations promulgated~~] under this Act;

(B) been convicted of a Class B misdemeanor or equivalent offense if the fifth anniversary of the date of the conviction has occurred;

(C) engaged in [(2)] that the applicant, licensee, commissioned security officer, or registrant has committed any act resulting in conviction of a felony;

[(3)] that the applicant, licensee, commissioned security officer, or registrant has committed an act after the date of application for a registration, license, or security officer commission that results in a conviction of a misdemeanor involving moral turpitude;

[(4)] that the applicant, licensee, commissioned security officer, or registrant has practiced] fraud, deceit, or misrepresentation; or

~~(D) [(5) that the applicant, licensee, commissioned security officer, or registrant has] made a material misstatement in the application for or renewal of a license, registration, or security officer commission; or~~

~~(2) [(6)] that the licensee of the commissioned security officer or registrant has submitted to the board sufficient evidence that a commissioned security officer or registrant;~~

~~(A) [;] while in the employ of the licensee, practiced fraud or deceit;[;] or~~

~~(B) committed theft while performing work as a commissioned security officer or registrant.~~

(b) Subject to Section 11D of this Act, the board may summarily suspend a license, registration, or security officer commission issued ~~[to an individual]~~ under this Act on receiving written notification from the Department of Public Safety of the State of Texas or any other law enforcement agency that the individual has been arrested for or charged with a Class B misdemeanor or equivalent offense ~~[involving moral turpitude]~~ or a greater offense ~~[felony]~~.

(c) Subject to Section 11D of this Act, the board may summarily deny an application for a license, registration, or ~~[for a]~~ security officer commission of an individual on receiving written notification from the Department of Public Safety of the State of Texas or any other law enforcement agency that the individual has been arrested for or charged with a Class B misdemeanor or equivalent offense ~~[involving moral turpitude]~~ or a greater offense ~~[felony]~~.

~~(d) [In this section, a person is considered to be convicted of a misdemeanor involving moral turpitude or a felony if a court of competent jurisdiction enters a judgment against the person for committing a misdemeanor involving moral turpitude or a felony under the laws of this state, another state, or the United States, including:~~

~~[(1) a conviction in which a person was placed on probation or community supervision and the person is subsequently discharged from probation or community supervision; or~~

~~[(2) a conviction that is pardoned, unless the pardon is granted expressly because of the proof of a person's innocence.~~

~~[(e)] The dismissal of a complaint, information, or indictment or an acquittal releases the individual from any summary suspension of a registration or commission or automatic grounds for summary denial of an application under this section.~~

(e) Except as provided by Section 11F of this Act and except for a summary denial of an application or a summary suspension, a person regulated under this Act against whom the board has taken action is entitled to a hearing before the State Office of Administrative Hearings. A proceeding under this subsection is a contested case that is ~~[(f) Proceedings for the refusal, suspension, or revocation of a registration, license, or security officer commission or for the probation of a person are]~~ governed by Chapter 2001, Government Code ~~[(Administrative Procedure Act)]~~. Proceedings for the summary suspension of a license, registration, or security officer commission or summary denial of an application under this Act are governed by Section 11D of this Act.

(f) The board may place on probation a person whose license is

suspended. If a license suspension is probated, the board may require the person:

(1) to report regularly to the board on matters that are the basis of the probation;

(2) to limit practice to the areas prescribed by the board; or

(3) to continue or review professional education until the person attains a degree of skill satisfactory to the board in those areas that are the basis of the probation. [~~(g) If the board is authorized to suspend a license under this Act, the board may give the licensee the opportunity to pay a civil penalty rather than have the license suspended. The amount of the civil penalty may not be more than \$200 for each day the license was to have been suspended. If the licensee does not pay the penalty before the sixth day after the board notifies him of the amount, he loses the opportunity to pay it and the board shall impose the suspension.~~]

SECTION 13. Subchapter B, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Sections 11E and 11F to read as follows:

Sec. 11E. REVOCATION OR REFUSAL FOR CERTAIN OFFENSES. Except for an application approved by the board under Section 11F of this Act, the board shall revoke or refuse to renew a registration, license, or security officer commission if the applicant, licensee, registrant, or commissioned security officer has been convicted of a:

(1) Class A misdemeanor or equivalent offense or a greater offense;

or

(2) Class B misdemeanor or equivalent offense if the fifth anniversary of the date of conviction has not occurred.

Sec. 11F. APPEAL TO BOARD. (a) An applicant may appeal to the board the denial of a license, registration, or security officer commission application if:

(1) the sole basis of the denial is a conviction for a Class A misdemeanor or equivalent or a greater offense;

(2) the 20th anniversary of the conviction has occurred; and

(3) the applicant waives the applicant's right to a hearing before the State Office of Administrative Hearings.

(b) A proceeding under this section is governed by Chapter 2001, Government Code. A hearing must be held at a regular meeting of the board.

(c) Notwithstanding any other provision of this Act, the board may approve the application.

SECTION 14. Subchapter B, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Section 11G to read as follows:

Sec. 11G. CONVICTION OF CERTAIN CRIMES. In this subchapter, a person is considered to be convicted of an offense that is a Class B misdemeanor or greater offense, or an equivalent offense, if a court enters a judgment against the person for committing a Class B misdemeanor or greater offense, or an equivalent offense, under the laws of this state, another state, or the United States, including a conviction:

(1) in which a person is placed on, and subsequently discharged from, community supervision; and



(2) for which a person is pardoned, unless a full pardon has been granted.

SECTION 15. Section 12(b), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The governor shall designate one member of the board as presiding officer to serve in that capacity at the will of the governor [~~chairman~~]. The governor shall designate the presiding officer [~~chairman~~] without regard to the race, creed, color, disability [~~handicap~~], age, sex, religion, or national origin of the designee. The board, including the representative of the director of the Texas Department of Public Safety if [~~he so designates~~] one is designated, shall elect from among its members an assistant presiding officer [~~a vice-chairman~~] and a secretary to serve two-year terms commencing on September 1 of each odd-numbered year. The presiding officer [~~chairman,~~] or, in the [~~his~~] absence of the presiding officer, the assistant presiding officer [~~vice-chairman,~~] shall preside at all meetings of the board and perform the other duties prescribed by [~~in~~] this Act.

SECTION 16. Subchapter B, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Section 12B to read as follows:

Sec. 12B. PUBLIC ACCESS TO CERTAIN RECORDS OF DISCIPLINARY ACTIONS. (a) The board shall make available to the public through a toll-free telephone number, Internet website, or other easily accessible medium determined by the board the following information relating to a disciplinary action taken during the preceding three years regarding a person regulated by the board:

(1) the identity of the person;

(2) the nature of the complaint that was the basis of the disciplinary action taken against the person; and

(3) the disciplinary action taken by the board.

(b) In providing the information, the board shall present the information in an impartial manner, use language that is commonly understood, and, if possible, avoid jargon specific to the security industry.

(c) The board shall update the information on a monthly basis.

(d) The board shall maintain the confidentiality of information regarding the identification of a complainant.

SECTION 17. Section 14, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) An applicant for a license or the applicant's [~~his~~] manager must[~~:~~

[~~(1)~~] be at least 18 years of age and must not:

(1) [~~;~~ (2) not have been convicted in any jurisdiction of any felony unless a full pardon has been granted;

[(3) not] have been convicted in any jurisdiction of a Class A misdemeanor or equivalent offense or a greater offense [involving moral turpitude during the seven-year period preceding the date of application] unless a full pardon has been granted for reasons relating to a wrongful [the] conviction;

(2) have been convicted in any jurisdiction of a Class B misdemeanor or equivalent offense for which the fifth anniversary of the date of conviction has not occurred before the date of application unless a full pardon has been granted for reasons relating to a wrongful conviction;

(3) ~~[(4) not]~~ have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and has not been restored;

(4) ~~[(5) not]~~ be suffering from habitual drunkenness or from narcotics addiction or dependence; ~~or [and]~~

(5) ~~[(6) not]~~ have been discharged from the armed services of the United States under other than honorable conditions.

(a-1) The board may deny an application for a license if the applicant has been convicted in any jurisdiction of a Class B misdemeanor or equivalent offense if the fifth anniversary of the date of conviction has occurred before the date of application unless a full pardon has been granted for reasons relating to a wrongful conviction.

SECTION 18. Section 15, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by amending Subsections (a) and (c) and adding Subsection (g) to read as follows:

(a) An application for a license under this Act shall be in the form prescribed by the board. The application shall include:

(1) the full name and business address of the applicant;

(2) the name under which the applicant intends to do business;

(3) a statement as to the general nature of the business in which the applicant intends to engage;

(4) a statement as to the classification under which the applicant desires to be qualified;

(5) the full name and residence address of each of the applicant's ~~[its]~~ partners, officers, and directors, and of the applicant's ~~[its]~~ manager, if the applicant is an entity other than an individual;

(6) two ~~[one]~~ classifiable sets ~~[set]~~ of fingerprints of the applicant, if the applicant is an individual, or of each officer and of each partner or shareholder who owns a 25 percent or greater interest in the applicant, if the applicant is an entity;

(7) a verified statement of the applicant's ~~[his]~~ experience qualifications in the particular field of classification in which the applicant ~~[he]~~ is applying;

(8) ~~[a letter from the police department and a letter from the sheriff's department of the city and county wherein the applicant resides concerning the character of the applicant and containing any objection or recommendation as to his application; and]~~ a report ~~[letter]~~ from the Texas Department of Public Safety stating the applicant's ~~[setting forth the]~~ record of any convictions for a Class B misdemeanor or equivalent offense or a greater offense ~~[of any applicant for a felony or a crime involving moral turpitude];~~ and

(9) any other information, evidence, statements, or documents ~~[as may be]~~ required by the board.

(c) The board shall ~~may~~ require an applicant or the applicant's ~~his~~ manager to demonstrate qualifications in the person's license ~~his~~ field of classification, including knowledge of applicable state laws and board rules, by taking an examination to be determined by the board.

(g) The board shall develop, and provide to a person who applies to take the examination under Subsection (c) of this section, material containing all applicable state laws and board rules.

SECTION 19. Subchapter C, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Sections 15A, 15B, 15C, and 15D to read as follows:

Sec. 15A. EXAMINATION RESULTS. (a) Not later than the 30th day after the date a person takes a licensing examination under this Act, the board shall notify the person of the results of the examination.

(b) If the examination is graded or reviewed by a testing service:

(1) the board shall notify the person of the results of the examination not later than the 14th day after the date the board receives the results from the testing service; and

(2) if notice of the examination results will be delayed for longer than 90 days after the examination date, the board shall notify the person of the reason for the delay before the 90th day.

(c) The board may require a testing service to notify a person of the results of the person's examination.

(d) If requested in writing by a person who fails a licensing examination administered under this Act, the board shall furnish the person with an analysis of the person's performance on the examination.

Sec. 15B. RECIPROCAL LICENSE FOR CERTAIN FOREIGN APPLICANTS. The board may waive any prerequisite to obtaining a license for an applicant who holds a license issued by another jurisdiction with which this state has a reciprocity agreement. The board may make an agreement, subject to the approval of the governor, with another state to allow for licensing by reciprocity.

Sec. 15C. PROVISIONAL LICENSE. (a) The board may issue a provisional license to an applicant currently licensed in another jurisdiction who seeks an equivalent license in this state and who:

(1) has been licensed in good standing as an investigations company or security services contractor for at least two years in another jurisdiction, including a foreign country, that has licensing requirements substantially equivalent to the requirements of this Act;

(2) has passed a national or other examination recognized by the board relating to the practice of private investigations or security services contracting; and

(3) is sponsored by a person licensed by the board under this Act with whom the provisional license holder will practice during the time the person holds a provisional license.

(b) A provisional license is valid until the date the board approves or denies the provisional license holder's application for a license. The board shall issue a license under this Act to the provisional license holder if:

(1) the provisional license holder is eligible to be licensed under Section 15B of this Act; or

(2) the provisional license holder:

(A) passes the part of the examination under Section 15(c) of this Act that relates to the applicant's knowledge and understanding of the laws and rules relating to the practice of an investigations company or security services contractor in this state;

(B) is verified by the board as meeting the academic and experience requirements for a license under this Act; and

(C) satisfies any other licensing requirements under this Act.

(c) The board must approve or deny a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued. The board may extend the 180-day period if the results of an examination have not been received by the board before the end of that period.

(d) The board may establish a fee for provisional licenses in an amount reasonable and necessary to cover the cost of issuing the license.

Sec. 15D. PROVISIONAL REGISTRATION. (a) The board may issue a provisional registration to an applicant currently registered in another jurisdiction who seeks an equivalent registration in this state and who:

(1) has been registered in good standing in the field in which the registration is sought for at least two years in another jurisdiction, including a foreign country, that has registration requirements substantially equivalent to the requirements of this Act;

(2) has passed a national or other examination recognized by the board relating to practice in the field in which the registration is sought; and

(3) is employed by a person licensed by the board under this Act with whom the provisional registration holder will practice during the time the person holds a provisional registration.

(b) A provisional registration is valid until the date the board approves or denies the provisional registration holder's application for a registration. The board shall issue a registration under this Act to the provisional registration holder if the provisional registration holder is eligible to be registered under this Act.

(c) The board must approve or deny a provisional registration holder's application for a registration not later than the 180th day after the date the provisional registration is issued. The board may extend the 180-day period if the results of an examination have not been received by the board before the end of that period.

(d) The board may establish a fee for provisional registration in an amount reasonable and necessary to cover the cost of issuing the registration.

SECTION 20. Sections 17(a) and (d), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), are amended to read as follows:

(a) ~~The [If the General Appropriations Act does not specify the amount of the fee, the]~~ board by rule shall establish reasonable and necessary fees that produce funds sufficient for the administration of this Act but that do not produce unnecessary fund balances and do not exceed the following amounts:

Class A license	<u>\$250</u> [ <del>\$225</del> ]
(original and renewal)	
Class B license	<u>300</u> [ <del>225</del> ]
(original and renewal)	
Class C license	<u>440</u> [ <del>340</del> ]
(original and renewal)	
Reinstate suspended license	150
Assignment of license	150
Change name of license	75
Delinquency fee	_____
Branch office certificate and renewal	<u>200</u> [ <del>150</del> ]
Registration fee for private investigators, managers, branch office managers, and alarm systems installers	20
(original and renewal)	
Registration fee for noncommissioned security officer	<u>25</u> [ <del>35</del> ]
<u>Renewal fee for noncommissioned security officer</u>	<u>25</u>
Registration fee for security sales person	20
Registration fee for alarm systems monitor	20
Registration fee for dog trainer	20
Registration fee for owner, officer, partner, or shareholder of a licensee	<u>50</u> [ <del>20</del> ]
Registration fee for security consultants	55
Security officer commission fee	<u>50</u> [ <del>35</del> ]
(original and renewal)	
School instructor fee	100
(original and renewal)	
School approval fee	250
(original and renewal)	
Letter of authority fee for private businesses and political subdivisions	<u>300</u>
<u>Letter of authority renewal fee for private businesses and political subdivisions</u>	225
<del>[(original and renewal)]</del>	
FBI fingerprint check	25
Duplicate pocket card	10
Employee information update fee	15
Burglar alarm sellers renewal fee	25
Personal protection authorization	50

(d) A Class A, Class B, or Class C license is valid for one year from the date of issuance. Registration as a private investigator, manager, branch office manager, alarm systems installer, security consultant, security sales person, alarm systems monitor, or dog trainer is valid for two years from the date of registration[, except that an initial registration as an alarm systems installer or security sales person is valid for one year from the date of registration if the board requires registrants to be trained or tested pursuant to Section 32(f) of this Act]. Registration as an owner, officer, partner, or shareholder of a licensee is valid for two years from the date of registration. Registration as a noncommissioned security officer is valid for two [~~four~~] years from the date of registration. A letter of authority, or a school approval or school instructor approval letter issued by the board, is valid for one year from the date of issuance. Other licenses or registrations issued under this Act are valid for the period specified by this Act or by board rule.

SECTION 21. Subchapter C, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Section 17A to read as follows:

Sec. 17A. PAYMENT OF FEES AND FINES. The board may adopt rules regarding the method of payment of a fee or a fine assessed under this Act. The rules may authorize the use of electronic funds transfer or a valid credit card issued by a financial institution chartered by a state or the federal government or by a nationally recognized credit organization approved by the board. The rules may require the payment of a discount or a reasonable service charge for a credit card payment in addition to the fee or the fine.

SECTION 22. Section 18(b), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(b) No person shall act as a manager of a licensee until the person [~~he~~] has complied with each of the following:

(1) demonstrated the person's [~~his~~] qualifications by passing the [a] written examination required by Section 15(c) of this Act; and

(2) made a satisfactory showing to the board that the person [~~he~~] has the qualifications prescribed by Section 14 of this Act, and that none of the facts stated in Section 11B(a) or 11E [~~Subsection (a), Section 11B;~~] of this Act regarding violations or convictions exist as to the person [~~him~~].

SECTION 23. Section 19(l), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

(l) The holder of a security officer commission who terminates his employment with one employer may transfer his security officer commission to a new employer if, not later than the 14th [~~10th~~] day after the date on which the holder begins new employment, the new employer notifies the board of the transfer of employment on a form prescribed by the board, accompanied by the employee information update fee.

SECTION 24. Section 20, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 20. TRAINING PROGRAMS. (a) The board shall establish a basic

training course for commissioned security officers. The course must include, at a minimum:

- (1) general security officer training issues;
- (2) classroom instruction on handgun proficiency; and
- (3) range instruction on handgun proficiency.

(b) The course must be offered and taught by schools and instructors approved by the board. To receive board approval, a school or an instructor must submit an application to the board on a form provided by the board.

(c) ~~(b)~~ The basic training course approved by the board shall consist of a minimum of 30 hours.

(d) The general security officer training portion of the course must [and shall] include instruction on:

(1) board rules and applicable state laws [legal limitations on the use of firearms and on the powers and authority of a security officer];

(2) ~~[familiarity with this Act;~~

~~[(3)] field note taking and report writing;~~

~~[(4)] range firing and procedure, and firearms safety and maintenance;]~~

and

(3) ~~[(5)]~~ any other topics of security officer training curriculum which the board deems necessary.

(e) ~~(c)~~ The board shall develop a commissioned security officer training manual that contains applicable state laws and board rules to be used in the instructing and training of commissioned security officers.

(f) ~~(d)~~ The board shall promulgate all rules necessary to administer the provisions of this section concerning the training requirements of this Act.

(g) ~~(e)~~ The board may not issue a security officer commission to an applicant employed by a licensee unless the applicant submits evidence satisfactory to the board that the applicant:

(1) ~~(he)~~ has completed the basic training course at a school or under an instructor approved by the board;

(2) ~~(he)~~ meets all qualifications established by this Act and by the rules of the board;

(3) ~~(he)~~ has achieved the score required by the board on the examination under Section 20B of this Act ~~[satisfied his firearm training instructor that he has attained with a handgun a minimum average marksmanship competency of 160 out of 300 on an "Army L" target or a minimum of 80 out of 150 on an F.B.I. Silhouette target (N.R.A. B-27), at 50 feet with 10 shots slow fire, 10 shots time fire and 10 shots double-action or complies with the standards of marksmanship set by the board]; and~~

(4) ~~(he)~~ has satisfied the [his] firearm training instructor that the applicant [he] has complied with the standards of marksmanship set by the board for minimum marksmanship competency with a shotgun.

(h) ~~(f)~~ In addition to the requirements of Subsection (g) ~~(e)~~ of this section, the board by rules and regulations shall establish other qualifications for persons who are employed in positions requiring the carrying of firearms. These qualifications may include physical and mental standards, standards of good moral character, and other requirements that relate to the competency and reliability of individuals to carry firearms. The board shall prescribe

appropriate forms and rules and regulations by which evidence that the requirements are fulfilled is presented. ~~[The board shall require commissioned security officers and applicants for security officer commissions to demonstrate proficiency in the use of firearms to the satisfaction of a firearm training instructor who is employed by a board approved training school.]~~ An applicant for a security officer commission must demonstrate proficiency not earlier than the 90th day before the date on which the security officer commission is to be issued. A commissioned security officer must demonstrate proficiency not earlier than the 90th day before the date on which the commission is to be renewed. The records of this proficiency shall be maintained by the school and available for inspection by the board.

(i) ~~(g)~~ The board shall prescribe appropriate rules and regulations for the maintenance of records relating to persons issued security officer commissions by the board.

(j) The handgun proficiency course must include at least 10 hours and not more than 15 hours of instruction on:

(1) the laws that relate to weapons and to the use of deadly force;

(2) handgun use, proficiency, and safety;

(3) nonviolent dispute resolution; and

(4) proper storage practices for handguns, with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(k) The range instruction on handgun proficiency must include an actual demonstration by the applicant of the applicant's ability to safely and proficiently use a handgun. The applicant must demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a 9-millimeter or .38-caliber handgun.

(l) The board by rule shall establish minimum standards for handgun proficiency that are at least as stringent as the standards for handgun proficiency developed by the public safety director under Section 411.188, Government Code.

SECTION 25. Subchapter C, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Sections 20A and 20B to read as follows:

Sec. 20A. CONTINUING EDUCATION COURSE IN HANDGUN PROFICIENCY. The board by rule shall develop a continuing education course in handgun proficiency required for renewal of a security officer commission. Only a board-approved instructor may administer the continuing education course. The course must include:

(1) at least four hours of instruction on one or more of the subjects listed in Section 20(j) of this Act; and

(2) other information that the director determines is appropriate.

Sec. 20B. HANDGUN PROFICIENCY EXAMINATION. (a) Only a board-approved instructor may administer the handgun proficiency examination required to obtain or to renew a security officer commission.

(b) The proficiency examination must include:

(1) a written section on the subjects listed in Section 20(j) of this Act; and

(2) a physical demonstration of handgun proficiency that meets the minimum standards established under Section 20(k) or (l) of this Act.



SECTION 26. Section 36, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 36. ~~POCKET CARD[; RENEWAL].~~ ~~[(a)]~~ A pocket card issued to [a noncommissioned security officer shall be issued to the individual employee and is valid for four years. A pocket card issued to] any [other] individual registered under Section 32 of this Act ~~[shall be issued to the individual's employer and]~~ is valid for two years. The pocket card must state the name of the individual who is registered. A pocket card for an owner, officer, partner, or shareholder of a license holder shall be issued to the license holder.

~~[(b) On notification from the board the month before expiration of the registrant's pocket card, each registrant shall file for renewal of registration on a form designed by the board.]~~

SECTION 27. Subchapter C, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Section 36A to read as follows:

Sec. 36A. REGISTRATION RENEWAL. (a) A person who is otherwise eligible to renew a registration may renew an unexpired registration by paying the required renewal fee to the board before the expiration date of the registration. A person whose registration has expired may not engage in activities that require a registration until the registration has been renewed.

(b) A person whose registration has been expired for 90 days or less may renew the registration by paying to the board a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(c) A person whose registration has been expired for more than 90 days but less than one year may renew the registration by paying to the board a renewal fee that is equal to two times the normally required renewal fee.

(d) A person whose registration has been expired for one year or more may not renew the registration. The person may obtain a new registration by complying with the requirements and procedures, including any examination required by the board, for obtaining an original registration.

(e) A person who was registered in this state, moved to another state, and is currently registered and has been in practice in the other state for the two years preceding the date of application may obtain a new registration without reexamination. The person must pay to the board a fee that is equal to two times the normally required renewal fee for the registration.

(f) Not later than the 30th day before the date a person's registration is scheduled to expire, the board shall send written notice of the impending expiration to the person at the person's last known address according to the records of the board.

SECTION 28. Section 37, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 37. ~~POCKET CARD[; RETURN AND] TRANSFER.~~ ~~[(a) When an individual to whom a pocket card has been issued under Section 34 of this Act terminates his position as a private investigator, manager, branch office manager, alarm systems installer, private security consultant, security sales~~

~~person, alarm systems monitor, or dog trainer, or as an owner, officer, partner, or shareholder of a licensee, the individual shall return his pocket card to the licensee on termination of his employment.~~

~~[(b) An individual who terminates his position as a noncommissioned security officer may retain the pocket card for use in future employment as provided by Subsection (c) of this section.~~

~~[(c)] An individual who is registered with the board [as a noncommissioned security officer] may transfer the registration from one employer to another employer if, not later than the 14th [40th] day after the date on which the registrant begins new employment, the new employer notifies the board of the transfer of employment on a form prescribed by the board accompanied by the employee information update fee.~~

SECTION 29. Subchapter C, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Section 39A to read as follows:

Sec. 39A. CRIMINAL HISTORY CHECK. (a) The board shall conduct a criminal history check, including a check of any criminal history record information maintained by the Federal Bureau of Investigation, in the manner provided by Subchapter F, Chapter 411, Government Code, on each applicant for a license, registration, security officer commission, letter of approval, permit, or certification. An applicant is not eligible for a license, registration, commission, letter of approval, permit, or certification if the check reveals that the applicant has committed an act that constitutes grounds for the denial of the license, registration, commission, letter of approval, permit, or certification. Each applicant shall include in the application two complete sets of fingerprints on forms prescribed by the board accompanied by the fee set by the board.

(b) Before beginning employment as a commissioned security officer, the applicant must be approved by the board based on the results of the check conducted under Subsection (a) of this section. To continue employment in a capacity regulated under this Act other than as a commissioned security officer, the applicant must be approved by the board based on the results of the check conducted under Subsection (a) of this section not later than the 120th day after the date the applicant begins employment in that capacity.

(c) A license, registration, security officer commission, letter of approval, permit, or certification issued by the board is conditional on the board's receipt of criminal history record information.

SECTION 30. Section 44, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Subsections (h) and (i) to read as follows:

(h) A person commits an offense if the person contracts with or is employed by a bondsman as defined by Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes), to secure the appearance of a person who has violated Section 38.10, Penal Code, unless the person is:

(1) a peace officer;

(2) an individual licensed as a private investigator or the manager of a licensed investigations company; or

(3) a commissioned security officer employed by a licensed guard company.

(i) An offense under Subsection (h) of this section is a state jail felony.

SECTION 31. Subchapter D, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Section 45A to read as follows:

Sec. 45A. LICENSE RENEWAL. (a) A person who is otherwise eligible to renew a license may renew an unexpired license by paying the required renewal fee to the board before the expiration date of the license. A person whose license has expired may not engage in activities that require a license until the license has been renewed.

(b) A person whose license has been expired for 90 days or less may renew the license by paying to the board a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(c) A person whose license has been expired for more than 90 days but less than one year may renew the license by paying to the board a renewal fee that is equal to two times the normally required renewal fee.

(d) A person whose license has been expired for one year or more may not renew the license. The person may obtain a new license by complying with the requirements and procedures, including the examination requirements, for obtaining an original license.

(e) A person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding the date of application may obtain a new license without reexamination. The person must pay to the board a fee that is equal to two times the normally required renewal fee for the license.

(f) Not later than the 30th day before the date a person's license is scheduled to expire, the board shall send written notice of the impending expiration to the person at the person's last known address according to the records of the board.

SECTION 32. Subchapter D, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended by adding Section 46A to read as follows:

Sec. 46A. STAGGERED RENEWAL; PRORATION OF LICENSE FEE. The board by rule may adopt a system under which licenses expire on various dates during the year. For the year in which the license expiration date is changed, the board shall prorate license fees on a monthly basis so that each license holder pays only that portion of the license fee that is allocable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the total license renewal fee is payable.

SECTION 33. Section 49, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 49. NOTIFICATION OF CONVICTION FOR CERTAIN OFFENSES [FELONY OR CRIME INVOLVING MORAL TURPITUDE]. The Texas Department of Public Safety shall notify the board, and the police department and the sheriff's department of the city and county in which ~~wherein~~ any

person licensed, commissioned, or registered under this Act resides, of the conviction of such person for a Class B misdemeanor or equivalent offense or a greater offense [~~felony or a crime involving moral turpitude~~].

SECTION 34. Section 50A, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 50A. COMPLAINTS. (a) The board shall maintain a file on each written complaint filed with the board. The file must include:

- (1) the name of the person who filed the complaint;
- (2) the date the complaint is received by the board;
- (3) the subject matter of the complaint;
- (4) the name of each person contacted in relation to the complaint;
- (5) a summary of the results of the review or investigation of the

complaint; and

(6) an explanation of the reason the file was closed, if the agency closed the file without taking action other than to investigate the complaint [~~keep an information file about each complaint filed with the board relating to a person regulated by the board~~].

(b) The board shall provide to the person filing the complaint a copy of the board's policies and procedures relating to complaint investigation and resolution.

(c) Unless it would jeopardize an undercover investigation, the board shall provide to each person who is a subject of the complaint a copy of the board's policies and procedures relating to complaint investigation and resolution.

(d) The board, at least quarterly until final disposition of the complaint, shall notify the person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the notice [~~if a written complaint is filed with the board relating to a person regulated by the board, the board, at least as frequently as quarterly, shall notify the parties to the complaint of the status of the complaint until final disposition unless the notification~~] would jeopardize an undercover investigation.

SECTION 35. The Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) is amended by adding Subchapter E to read as follows:

#### SUBCHAPTER E. ADMINISTRATIVE PENALTY

Sec. 61. IMPOSITION OF PENALTY. In addition to any other disciplinary action taken by the board, the board may impose an administrative penalty on a person licensed, commissioned, or registered under this Act who violates this Act or a rule or order adopted under this Act.

Sec. 62. AMOUNT OF PENALTY. (a) Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. The amount of each separate violation may not exceed \$200.

(b) The amount of a violation shall be based on:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the violation;

(2) the economic harm to property or the public caused by the violation;

- (3) the history of previous violations;
- (4) the amount necessary to deter a future violation;
- (5) efforts to correct the violation; and
- (6) any other matter that justice may require.

Sec. 63. REPORT AND NOTICE OF VIOLATION AND PENALTY. (a) If the director determines that a violation occurred, the director may issue to the board a report stating:

- (1) the facts on which the determination is based; and
- (2) the director's recommendation on the imposition of the penalty, including a recommendation on the amount of the penalty.

(b) Not later than the 14th day after the date the report is issued, the director shall give written notice of the report to the person.

(c) The notice must:

- (1) include a brief summary of the alleged violation;
- (2) state the amount of the recommended penalty; and
- (3) inform the person of the person's right to a hearing on the occurrence of the violation, the amount of the penalty, or both.

Sec. 64. PENALTY TO BE PAID OR HEARING REQUESTED. (a) Not later than the 20th day after the date the person receives the notice, the person in writing may:

- (1) accept the determination and recommended penalty of the director; or
- (2) make a request for a hearing on the occurrence of the violation, the amount of the penalty, or both.

(b) If the person accepts the determination and recommended penalty of the director, the board by order shall approve the determination and impose the recommended penalty.

Sec. 65. HEARING. (a) If the person requests a hearing or fails to respond in a timely manner to the notice, the director shall set a hearing and give written notice of the hearing to the person. An administrative law judge of the State Office of Administrative Hearings shall hold the hearing.

(b) The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the board a proposal for a decision about the occurrence of the violation and the amount of a proposed penalty.

Sec. 66. DECISION BY BOARD. (a) Based on the findings of fact, conclusions of law, and proposal for a decision, the board by order may:

- (1) find that a violation occurred and impose a penalty; or
- (2) find that a violation did not occur.

(b) The notice of the board's order given to the person must include a statement of the right of the person to judicial review of the order.

Sec. 67. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. Not later than the 30th day after the date the board's order becomes final, the person shall:

- (1) pay the penalty; or
- (2) file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both.

Sec. 68. STAY OF ENFORCEMENT OF PENALTY. (a) Within the 30-day period prescribed by Section 67 of this Act, a person who files a petition for judicial review may:

(1) stay enforcement of the penalty by:  
(A) paying the penalty to the court for placement in an escrow account; or  
(B) giving the court a supersedeas bond approved by the court that:

(i) is for the amount of the penalty; and  
(ii) is effective until all judicial review of the board's order is final; or

(2) request the court to stay enforcement of the penalty by:  
(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the penalty and is financially unable to give the supersedeas bond; and  
(B) giving a copy of the affidavit to the director by certified mail.

(b) If the director receives a copy of an affidavit under Subsection (a)(2) of this section, the director may file with the court, not later than the fifth day after the date the copy is received, a contest to the affidavit. The court shall hold a hearing on the facts alleged in the affidavit as soon as practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the penalty and to give a supersedeas bond.

Sec. 69. COLLECTION OF PENALTY. (a) If the person does not pay the penalty and the enforcement of the penalty is not stayed, the penalty may be collected.

(b) The attorney general may sue to collect the penalty.

Sec. 70. DECISION BY COURT. (a) If the court sustains the finding that a violation occurred, the court may uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty.

(b) If the court does not sustain the finding that a violation occurred, the court shall order that a penalty is not owed.

Sec. 71. REMITTANCE OF PENALTY AND INTEREST. (a) If the person paid the penalty and if the amount of the penalty is reduced or the penalty is not upheld by the court, the court shall order, when the court's judgment becomes final, that the appropriate amount plus accrued interest be remitted to the person.

(b) The interest accrues at the rate charged on loans to depository institutions by the New York Federal Reserve Bank.

(c) The interest shall be paid for the period beginning on the date the penalty is paid and ending on the date the penalty is remitted.

Sec. 72. RELEASE OF BOND. (a) If the person gave a supersedeas bond and the penalty is not upheld by the court, the court shall order, when the court's judgment becomes final, the release of the bond.

(b) If the person gave a supersedeas bond and the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the reduced amount.

Sec. 73. ADMINISTRATIVE PROCEDURE. A proceeding to impose the

penalty is considered to be a contested case under Chapter 2001, Government Code.

SECTION 36. Article 2.12, Code of Criminal Procedure, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

- (1) sheriffs and their deputies;
- (2) constables and deputy constables;
- (3) marshals or police officers of an incorporated city, town, or village;
- (4) rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety;
- (5) investigators of the district attorneys', criminal district attorneys', and county attorneys' offices;
- (6) law enforcement agents of the Texas Alcoholic Beverage Commission;
- (7) each member of an arson investigating unit commissioned by a city, a county, or the state;
- (8) officers commissioned under Section 37.081, Education Code, or Subchapter E, Chapter 51, Education Code;
- (9) officers commissioned by the General Services Commission;
- (10) law enforcement officers commissioned by the Parks and Wildlife Commission;
- (11) airport police officers commissioned by a city with a population of more than one million, according to the most recent federal census, that operates an airport that serves commercial air carriers;
- (12) airport security personnel commissioned as peace officers by the governing body of any political subdivision of this state, other than a city described by Subdivision (11), that operates an airport that serves commercial air carriers;
- (13) municipal park and recreational patrolmen and security officers;
- (14) security officers commissioned as peace officers by the comptroller;
- (15) officers commissioned by a water control and improvement district under Section 49.216, Water Code;
- (16) officers commissioned by a board of trustees under Chapter 341, Acts of the 57th Legislature, Regular Session, 1961 (Article 1187f, Vernon's Texas Civil Statutes);
- (17) investigators commissioned by the Texas State Board of Medical Examiners;
- (18) officers commissioned by the board of managers of the Dallas County Hospital District, the Tarrant County Hospital District, or the Bexar County Hospital District under Section 281.057, Health and Safety Code;
- (19) county park rangers commissioned under Subchapter E, Chapter 351, Local Government Code;
- (20) investigators employed by the Texas Racing Commission;
- (21) officers commissioned by the State Board of Pharmacy;
- (22) officers commissioned by the governing body of a metropolitan

rapid transit authority under Section 451.108, Transportation Code, or by a regional transportation authority under Section 452.110, Transportation Code;

(23) investigators commissioned by the attorney general under Section 402.009, Government Code;

(24) security officers and investigators commissioned as peace officers under Chapter 466, Government Code;

(25) an officer employed by the Texas Department of Health under Section 431.2471, Health and Safety Code;

(26) officers appointed by an appellate court under Subchapter F, Chapter 53, Government Code;

(27) officers commissioned by the state fire marshal under Chapter 417, Government Code;

(28) an investigator commissioned by the commissioner of insurance under Article 1.10D, Insurance Code; ~~and~~

(29) apprehension specialists commissioned by the Texas Youth Commission as officers under Section 61.0931, Human Resources Code; ~~and~~

(30) board investigators commissioned by the Texas Commission on Private Security under Section 10(f), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes).

SECTION 37. Section 411.042(b), Government Code, is amended to read as follows:

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including a statistical breakdown of those offenses in which family violence was involved;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice; ~~and~~

(5) maintain a list of all previous background checks for applicants for any position regulated under the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) who have undergone a criminal history background check under Section 411.119, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense; and

(6) collect information concerning the number and nature of protective orders and all other pertinent information about all persons on active protective orders. Information in the law enforcement information system relating to an active protective order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;



(B) any known identifying number of the person to whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order, unless that information is excluded from the order under Section 85.007 [71.111], Family Code;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends, unless that information is excluded from the order under Section 85.007 [71.111], Family Code;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed; and

(G) the date the order expires.

SECTION 38. Section 411.119, Government Code, is amended to read as follows:

Sec. 411.119. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION ON PRIVATE SECURITY [~~TEXAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES~~]. The Texas Commission on Private Security [~~Texas Board of Private Investigators and Private Security Agencies~~] is entitled to obtain from the department criminal history record information maintained by the department, including information maintained under Section 411.042(b)(5), that relates to [a person who is]:

(1) an applicant for a license, registration, [or] security officer commission, letter of approval, permit, or handgun instructor certification under the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes); or

(2) a person who holds a license, registration, security officer commission, letter of approval, permit, or handgun instructor certification under the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) [~~an applicant for a position regulated under that Act~~].

SECTION 39. (a) The Texas Commission on Private Security, formerly named the Texas Board of Private Investigators and Private Security Agencies, is a criminal justice agency for the sole purpose of directly obtaining criminal history records maintained by the Federal Bureau of Investigation.

(b) As soon as practicable after the effective date of this Act, the director of the Texas Commission on Private Security shall request from the appropriate official at the United States Department of Justice a determination letter as to whether the Texas Commission on Private Security is recognized as a criminal justice agency for the sole purpose of directly obtaining criminal history records maintained by the Federal Bureau of Investigation.

(c) On receipt of the letter requested under Subsection (b) of this section, the director of the Texas Commission on Private Security shall give the letter to the secretary of state for publication in the Texas Register.

(d) Notwithstanding Section 39A, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as added by this Act, if the letter requested under Subsection (b) of this section grants recognition as a criminal justice agency for the purpose of directly obtaining criminal history records maintained by the Federal Bureau of Investigation, the Texas Commission on Private Security shall directly request from the Federal Bureau of Investigation criminal history records maintained by the Federal Bureau of Investigation rather than making requests through the Texas Department of Public Safety as authorized by Section 411.087, Government Code.

(e) If the letter requested under Subsection (b) of this section does not grant recognition as a criminal justice agency for the purpose of directly obtaining criminal history records maintained by the Federal Bureau of Investigation, this section has no effect.

SECTION 40. (a) For the purpose of compliance with Section 5(a), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as amended by this Act, the governor shall appoint three additional members to the Texas Commission on Private Security in accordance with this section.

(b) The governor shall appoint two public members and one person who is qualified under Section 5(a)(5), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as added by this Act. The governor shall appoint the person who is qualified under Section 5(a)(5), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as added by this Act, to a term expiring January 31, 2001. The governor shall appoint one public member to a term expiring January 31, 2003, and one public member to a term expiring January 31, 2005.

SECTION 41. (a) For the purpose of compliance with Section 5(a), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as amended by this Act, the governor shall appoint members to the Texas Commission on Private Security, to fill a vacancy or as terms expire, in accordance with this section.

(b) In appointing members to the two positions that, before the effective date of this Act, were held by members who were private investigators or security service contractors, the governor shall appoint one member who is a licensed private investigator and one member who is a licensed alarm systems company.

SECTION 42. The changes in law made by this Act to Section 5(a), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), do not affect the entitlement of an appointed member of the Texas Board of Private Investigators and Private Security Agencies serving on the board immediately before the effective date of this Act to continue to serve on the Texas Commission on Private Security for the remainder of the member's term or to serve in a holdover capacity until a successor is appointed and takes office. This Act does not prohibit a board member from being reappointed to the commission if the person has the qualifications required by the Private Investigators and Private Security

Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as amended by this Act.

SECTION 43. (a) On and after January 1, 2000, the State Office of Administrative Hearings shall assume responsibility for hearings, other than on any summary suspension or summary denial of applications, held with respect to contested cases arising under the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), and the chief administrative law judge of the State Office of Administrative Hearings may agree to a transfer of contested cases pending before the Texas Commission on Private Security to the State Office of Administrative Hearings before January 1, 2000.

(b) This Act does not require a transfer of any personnel from the Texas Commission on Private Security to the State Office of Administrative Hearings.

SECTION 44. Section 11B, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as amended by this Act, and Section 11E, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as added by this Act, apply only to a disciplinary action that is initiated on or after the effective date of this Act. A disciplinary action that is initiated before the effective date of this Act is governed by the law in effect on the date the disciplinary action is initiated, and that law is continued in effect for that purpose.

SECTION 45. Section 11F, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as added by this Act, applies only to an application filed on or after the effective date of this Act. An application that is filed before the effective date of this Act is governed by the law in effect on the date the application is filed, and that law is continued in effect for that purpose.

SECTION 46. Section 14(a), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as amended by this Act, and Section 14(a-1), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as added by this Act, apply only to a license application filed on or after the effective date of this Act. A license application that is filed before the effective date of this Act is governed by the law in effect on the date the license application is filed, and that law is continued in effect for that purpose.

SECTION 47. Section 17, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as amended by this Act, applies only to a noncommissioned security officer registration that expires on or after the effective date of this Act. A noncommissioned security officer registration that expires before the effective date of this Act is governed by the law in effect on the date the registration expires, and that law is continued in effect for that purpose.

SECTION 48. Section 20, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as amended by this Act, applies only to an application for a security officer commission filed on or after the effective date of this Act. An application for a security officer commission that is filed before the effective date of this Act is

governed by the law in effect on the date the application is filed, and that law is continued in effect for that purpose.

SECTION 49. Section 36, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as amended by this Act, applies only to a pocket card issued on or after the effective date of this Act. A pocket card issued before the effective date of this Act is governed by the law in effect on the date the pocket card is issued, and that law is continued in effect for that purpose.

SECTION 50. Sections 36A and 45A, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as added by this Act, apply only to the renewal of a license or registration that expires on or after the effective date of this Act. The renewal of a license or registration that expires before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 51. Section 39A, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as added by this Act, applies only to a request for a criminal history record for an application filed on or after the effective date of this Act. A request for a criminal history record for an application filed before the effective date of this Act is governed by the law in effect on the date the application is filed, and that law is continued in effect for that purpose.

SECTION 52. (a) Sections 44(h) and (i), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as added by this Act, apply only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 53. Subchapter E, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), as added by this Act, applies only to a violation of this Act or a rule or order adopted under this Act if that violation occurs on or after the effective date of this Act. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and that law is continued in effect for that purpose.

SECTION 54. The following provisions of the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes), are repealed:

- (1) Section 9;
- (2) Sections 15(e) and (f);
- (3) Sections 19(g), (h), and (j);
- (4) Sections 33(c) and (d);
- (5) Section 38;
- (6) Section 39;
- (7) Section 41;

- (8) Section 43;
- (9) Sections 45(c)-(i); and
- (10) Section 46.

SECTION 55. This Act takes effect September 1, 1999.

SECTION 56. 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.

### Senate Amendment No. 1

Amend **CSHB 2617** as follows:

(1) In the recital to SECTION 2 of the bill, strike "Subdivision (37)" and substitute "Subdivisions (37) and (38)" (Senate committee printing, page 1, line 25).

(2) At the end of SECTION 2 of the bill, in amended Section 2, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) (Senate committee printing page 2, between lines 13 and 14), insert the following:

(38) "Extra job coordinator" means a peace officer who:

(A) is employed full-time by the state or a municipality;

and

(B) schedules other peace officers to provide guard, patrolman, or watchman services in a private capacity who are:

(i) employed full-time by the state or a municipality; and

(ii) not employed by the extra job coordinator.

(3) In SECTION 3 of the bill, in amended Section 3(a)(3), Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) (Senate committee printing page 2, lines 33 and 34), strike "or watchman, or, in a municipality with a population of 1 million or more, as an" and substitute "[or] watchman, or".

### Senate Amendment No. 2

Amend **CSHB 2617** by adding a new SECTION 17, Section 13, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) (Committee printing at page 12, line 60), is amended by adding subsection (d) and (e) to read as follows:

(d) A political subdivision may not offer alarm system sales, service, installation, or monitoring except as follows:

(1) service, installation, or monitoring is provided for property owned by the political subdivision or another political subdivision;

(2) monitoring is conducted for an ongoing criminal investigation;

(3) a financial institution, as defined by Section 59.301, Finance Code, that is a member of the Federal Deposit Insurance Corporation requests, in writing, that the political subdivision provide monitoring service to the financial institution; or

(4) the political subdivision has, since September 1, 1999, monitored

residential alarm sites and any fee charged by the political subdivision does not exceed the cost of the monitoring.

(e) A political subdivision may not advertise or solicit monitoring services.

and renumber the subsequent sections accordingly.

### **Senate Amendment No. 3**

Amend Floor Amendment No. 2 to **CSHB 2617** as follows:

This Section shall not apply to municipalities with a population of less than 50,000.

### **Senate Amendment No. 4**

Amend **CSHB 2617** as follows:

(1) In the recital to SECTION 2 of the bill, between "(5)," and "and", insert "(28)," (Senate committee printing, page 1, line 24).

(2) In the recital to SECTION 2 of the bill, strike "and by adding Subdivision (37)" (Senate committee printing, page 1, line 25).

(3) In SECTION 2 of the bill, between Subdivisions (5) and (33) of Section 2, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) (Senate committee printing, page 1, between lines 58 and 59), insert the following:

(28) "Private security consultant [~~consultants~~]" means an individual [~~are persons~~] who:

(A) consults, advises, trains, or specifies or recommends products, services, methods, or procedures in the security loss prevention industry;

(B) provides a service described by Paragraph (A) of this subdivision on an independent basis and without being affiliated with a particular service or product; and

(C) meets the experience requirements established by the board [~~offer advice or services in the field of private security~~].

(4) In SECTION 2 of the bill, strike proposed Subdivision (37) of Section 2, Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes) (Senate committee printing, page 2, lines 4-13).

### **HR 986 - ADOPTED**

**(by C. Jones)**

Representative C. Jones moved to suspend all necessary rules to take up and consider at this time **HR 986**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 986**, Recognizing June 19, 1999, as Snider Family Day in Texas.

**HR 986** was adopted without objection.

### **RULES SUSPENDED**

Representative Junell moved to suspend the 5-day posting rule to allow the Committee on Appropriations to consider **SB 1491**. There will be a public hearing at 8 a.m. on Tuesday in the house appropriations committee room.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Higher Education, on adjournment today, Desk 118, for a formal meeting, to consider **SB 893, SB 947, SB 1027, SB 1841, SB 1853** and **SB 1902**.

Natural Resources, on adjournment today, 3W.9, for a formal meeting, to consider **HR 910**, relating to groundwater conservation districts.

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

Calendars, on adjournment today, speakers committee room, for a formal meeting, to consider the calendar.

**ADJOURNMENT**

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

The motion prevailed without objection.

The house accordingly, at 4 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

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

**House List No. 51**

**HB 32, HB 81, HB 330, HB 340, HB 341, HB 381, HB 504, HB 579, HB 664, HB 732, HB 774, HB 871, HB 985, HB 1031, HB 1037, HB 1141, HB 1145, HB 1431, HB 1506, HB 1520, HB 1574, HB 1581, HB 1625, HB 1677, HB 1707, HB 1715, HB 1722, HB 1732, HB 1748, HB 1838, HB 1978, HB 2107, HB 2108, HB 2176, HB 2555, HB 2809, HB 2827, HB 2866, HB 3023, HB 3155, HB 3226, HB 3568, HCR 102, HCR 133**

**MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 17, 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 135** Gallego SPONSOR: Madla  
In memory of Dr. Fermin Calderon.

**HCR 235** Gallego SPONSOR: Madla  
In memory of Jose E. Morales of Midland.

**HCR 236** Gallego SPONSOR: Madla  
In memory of Dr. Jim Richerson.

**HCR 237** Gallego SPONSOR: Madla  
Honoring Larry Henderson for his 37 years of service to the National Park Service.

**HCR 254** Gallego SPONSOR: Madla  
In memory of Chicora "Chic" Ann Lee Graham Williams.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Monday, May 17, 1999 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**LOCAL AND UNCONTESTED CALENDAR**

**HB 2** Swinford SPONSOR: Ogden  
Relating to agriculture and state agricultural policy.

**HB 127** McClendon SPONSOR: Armbrister  
Relating to the participation of Texas Department of Criminal Justice inmates in community service projects performed by state agencies and local governments.

**HB 128** McClendon SPONSOR: Armbrister  
Relating to participation of the Texas Department of Criminal Justice in certain food bank programs.



- HB 313** Giddings SPONSOR: West, Royce  
Relating to the creation and powers of a neighborhood empowerment zone.
- HB 362** Hupp SPONSOR: Fraser  
Relating to the eligibility of certain higher education employees to participate in group programs under the Texas Employees Uniform Group Insurance Benefits Act.  
(AMENDED)
- HB 368** Seaman SPONSOR: Armbrister  
Relating to payroll deductions for employees of institutions of higher education.
- HB 434** Turner, Bob SPONSOR: Madla  
Relating to extending speed restrictions to private roads in certain subdivisions.
- HB 469** Wise SPONSOR: Fraser  
Relating to certain proceedings under the Texas Code of Military Justice.
- HB 516** Gray SPONSOR: Jackson  
Relating to allowing certain cities to adjudicate and impose civil penalties for vehicle parking and stopping offenses.
- HB 523** McReynolds SPONSOR: Ogden  
Relating to the application of the optional county vehicle registration fees to all-terrain vehicles.
- HB 681** Allen SPONSOR: Duncan  
Relating to claims against the Texas Department of Criminal Justice for certain conduct of state prison inmates.
- HB 690** Wohlgemuth SPONSOR: Sibley  
Relating to the penalty for cutting a fence used for certain animals.  
(AMENDED)
- HB 692** Janek SPONSOR: Nelson  
Relating to the confidentiality of the social security number of an applicant for or holder of a license or other form of permission to practice an occupation or profession.
- HB 746** Gallego SPONSOR: West, Royce  
Relating to a report on certain higher education employees serving as expert witnesses in suits against the state.  
(COMMITTEE SUBSTITUTE)
- HB 794** Zbranek SPONSOR: Bernsen  
Relating to the boundaries of the Chambers County-Cedar Bayou Navigation District.
- HB 856** Lewis, Ron SPONSOR: Bernsen  
Relating to exempting certain persons from the safety belt law.
- HB 889** Lewis, Glenn SPONSOR: Ogden  
Relating to establishing an institute for the preservation of history and culture at Prairie View A&M University.

- HB 912** Thompson SPONSOR: Whitmire  
Relating to access to criminal history record information by a domestic relations office for a social study or a commissioners court for a county child welfare board member.
- HB 1053** Yarbrough SPONSOR: Bernsen  
Relating to requiring a voting system to be accessible by persons with physical disabilities.
- HB 1069** Lewis, Ron SPONSOR: Brown, J. E. "Buster"  
Relating to the eligibility of a water supply or sewer service corporation to be converted into a special utility district.
- HB 1085** Hunter SPONSOR: Shapleigh  
Relating to state agency records management officers.
- HB 1112** Ellis, Dan SPONSOR: Ogden  
Relating to law enforcement personnel of the Texas Department of Criminal Justice.
- HB 1147** Seaman SPONSOR: Armbrister  
Relating to lighting and red flag requirements for certain vehicles with extended loads.  
(COMMITTEE SUBSTITUTE)
- HB 1162** Crabb SPONSOR: Brown, J. E. "Buster"  
Relating to the authority of a judge to require certain public notice as a condition of community supervision.
- HB 1244** Crownover SPONSOR: Harris  
Relating to control of animal diseases.  
(AMENDED)
- HB 1274** Tillery SPONSOR: Carona  
Relating to the administration of oaths in this state by certain judges and clerks.
- HB 1297** Lewis, Ron SPONSOR: Bernsen  
Relating to changing the names of Lamar University at Orange, Lamar University at Port Arthur, and Lamar University Institute of Technology.  
(COMMITTEE SUBSTITUTE)
- HB 1318** Lengefeld SPONSOR: Armbrister  
Relating to the authority of the Texas Department of Criminal Justice to manage inmate money and to the procedures for managing inmate money.
- HB 1351** Woolley SPONSOR: Shapiro  
Relating to execution and filing of an assumed name certificate; providing a penalty.
- HB 1363** Hawley SPONSOR: Armbrister  
Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Karnes County.

- HB 1368** Edwards SPONSOR: Harris  
Relating to the site of the Emancipation Juneteenth memorial monument.  
(AMENDED)
- HB 1380** Allen SPONSOR: West, Royce  
Relating to venue projects that may be authorized and financed by a municipality.  
(AMENDED)
- HB 1477** Oliveira SPONSOR: Harris  
Relating to the amount of court costs imposed for the support of the county law library.
- HB 1479** Clark SPONSOR: Bivins  
Relating to wastewater discharge permits.  
(COMMITTEE SUBSTITUTE)
- HB 1572** Turner, Sylvester SPONSOR: Barrientos  
Relating to the authority of physicians and podiatrists to form certain jointly owned entities.  
(COMMITTEE SUBSTITUTE)
- HB 1588** Hope SPONSOR: Nixon, Drew  
Relating to providing notification of utility service connections to appraisal and emergency communication districts.
- HB 1592** Junell SPONSOR: Duncan  
Relating to the state's share of the costs under the brush control cost-share program.  
(AMENDED)
- HB 1615** Uher SPONSOR: Brown, J. E. "Buster"  
Relating to the acquisition of goods and services by certain medical and dental institutions of higher education.
- HB 1723** Lengefeld SPONSOR: Sibley  
Relating to consolidating the juvenile boards in Bosque, Comanche, and Hamilton counties.
- HB 1739** Greenberg SPONSOR: Shapleigh  
Relating to membership, service credit, benefits, and administration of the statewide retirement system for emergency services personnel; providing an administrative penalty.
- HB 1767** Lewis, Glenn SPONSOR: Harris  
Relating to the legal representation of county officials and employees by district and county attorneys.
- HB 1845** Swinford SPONSOR: Bivins  
Relating to voting by members of an agricultural cooperative marketing association.
- HB 1865** Edwards SPONSOR: West, Royce  
Relating to the operations of the Texas Emancipation Juneteenth Cultural and Historical Commission.  
(AMENDED)

- HB 1877** Hope SPONSOR: Nixon, Drew  
Relating to the Montgomery County Juvenile Board.
- HB 1879** Averitt SPONSOR: Sibley  
Relating to the procedure for the pricing and sale of bonds and for the negotiation of contracts related to the issuance of obligations by the Texas Public Finance Authority, the use of bond proceeds, and the maximum amount of outstanding bonds.
- HB 1895** Maxey SPONSOR: Barrientos  
Relating to the management of software and software licenses by state agencies.  
(COMMITTEE SUBSTITUTE)
- HB 1975** Swinford SPONSOR: Bivins  
Relating to the labeling requirements for drugs prescribed or dispensed for administration to animals in agricultural operations.  
(AMENDED)
- HB 2060** Counts SPONSOR: Haywood  
Relating to the terms of court of the 50th District Court.
- HB 2104** Craddick SPONSOR: Bivins  
Relating to a tax exemption for hydrocarbon production from certain inactive oil and gas leases returned to production.  
(AMENDED)
- HB 2136** Hilderbran SPONSOR: Wentworth  
Relating to the creation of the County Court at Law of Kendall County.  
(COMMITTEE SUBSTITUTE)
- HB 2199** Chisum SPONSOR: Bivins  
Relating to the authority and name of the Panhandle Ground Water Conservation District Number Three, South of the Canadian River.
- HB 2200** Swinford SPONSOR: Bivins  
Relating to the ability of a county to obtain criminal history record information on an applicant for county employment.
- HB 2209** McClendon SPONSOR: Madla  
Relating to the ability of a public housing authority to use a public facility corporation to promote development of residential housing and accomplish other public purposes.
- HB 2223** Solomons SPONSOR: Sibley  
Relating to reporting requirements of a license holder under The Sale of Checks Act.
- HB 2235** Truitt SPONSOR: Nelson  
Relating to the issuance of installment sale obligations or lease-purchase obligations by certain municipalities.
- HB 2238** Cook SPONSOR: Harris  
Relating to exempting certain persons from requirements related to the sale, exchange, or lease-purchase of a manufactured home.

- HB 2296** Bonnen SPONSOR: Jackson  
Relating to the regulation of boilers.
- HB 2299** Greenberg SPONSOR: Barrientos  
Relating to naming the former life skills building at the Texas School for the Blind and Visually Impaired in honor of Ann Silverrain.
- HB 2301** Farabee SPONSOR: Moncrief  
Relating to the disposition of the body of a deceased pauper.  
(COMMITTEE SUBSTITUTE)
- HB 2303** Hope SPONSOR: Brown, J. E. "Buster"  
Relating to the penalty for possession of a live game animal.
- HB 2304** Coleman SPONSOR: Zaffirini  
Relating to certain providers of family counseling services under the medical assistance program.  
(AMENDED)
- HB 2314** McReynolds SPONSOR: Nixon, Drew  
Relating to the requirements a person must meet to serve as a director of fire fighters' and police officers' civil service.
- HB 2320** Cuellar SPONSOR: Sibley  
Relating to the licensing and regulation of currency exchange, transmission, and transportation businesses.
- HB 2353** Goodman SPONSOR: Harris  
Relating to the designation of the primary residence of certain children.  
(AMENDED)
- HB 2354** Goodman SPONSOR: Harris  
Relating to the liability of the Title IV-D agency for certain costs incurred in providing child support services.
- HB 2374** Burnam SPONSOR: Moncrief  
Relating to the financial guaranty requirements for certain owners, lienholders, and mortgagees of certain substandard buildings.
- HB 2407** Flores SPONSOR: Lucio  
Relating to the handling and marketing of vegetables and fruit and to the payment of claims from the Produce Recovery Fund.
- HB 2416** Keffer SPONSOR: Fraser  
Relating to the North Runnels County Hospital District.
- HB 2490** Coleman SPONSOR: Ellis, Rodney  
Relating to the Houston Downtown Management District.
- HB 2492** Lewis, Ron SPONSOR: Shapiro  
Relating to contracts for and the financing of energy conservation measures taken by state agencies and political subdivisions.
- HB 2542** Hupp SPONSOR: Fraser  
Relating to the McCulloch County Hospital District.  
(AMENDED)

- HB 2594** Uresti SPONSOR: Madla  
Relating to the collection of child support payments made after termination of the child support order.
- HB 2597** McReynolds SPONSOR: Armbrister  
Relating to emissions from certain hospital or medical disinfectants.
- HB 2599** McReynolds SPONSOR: Duncan  
Relating to prescribed burning.  
(AMENDED)
- HB 2622** Chavez SPONSOR: Shapleigh  
Relating to the authority of the governing board of an institution of higher education to waive certain fees.
- HB 2626** Palmer SPONSOR: Harris  
Relating to construction and renovation work on county-owned improvements in certain counties.
- HB 2662** Ramsay SPONSOR: Madla  
Relating to the functions of certain county purchasing agents.
- HB 2664** George SPONSOR: Sibley  
Relating to authorizing private or independent institutions of higher education to operate a student debit card program.
- HB 2724** Pickett SPONSOR: Shapleigh  
Relating to the composition of the El Paso County Juvenile Board.
- HB 2925** Bonnen SPONSOR: Brown, J. E. "Buster"  
Relating to access to criminal history record information by a municipality for certain background checks.  
(COMMITTEE SUBSTITUTE)
- HB 3089** Woolley SPONSOR: Brown, J. E. "Buster"  
Relating to long-term care insurance provided for certain public employees, retirees, and their family members.
- HB 3091** Siebert SPONSOR: Brown, J. E. "Buster"  
Relating to rental car damage waivers; providing a penalty.  
(AMENDED)
- HB 3122** Chisum SPONSOR: Bivins  
Relating to the powers, duties, and operations of the Dallam-Hartley Counties Hospital District.
- HB 3133** Chisum SPONSOR: Bivins  
Relating to contracts and obligations of the Stratford Hospital District.
- HB 3232** Keffer SPONSOR: Sibley  
Relating to the Eastland Memorial Hospital District.
- HB 3288** Greenberg SPONSOR: Barrientos  
Relating to the exclusion of certain sewage sludge from solid waste disposal fees.

- HB 3294** Goolsby SPONSOR: Armbrister  
Relating to the sale of flags flown over the Capitol and similar items.
- HB 3299** Coleman SPONSOR: Lindsay  
Relating to the authority of certain hospital districts to enter into credit agreements.
- HB 3330** Walker SPONSOR: Duncan  
Relating to the administration of regulations for water well drillers and water well pump installers.  
(AMENDED)
- HB 3337** Naishtat SPONSOR: Wentworth  
Relating to guardianships for missing persons.
- HB 3366** Talton SPONSOR: Gallegos  
Relating to lighting equipment on tow trucks.
- HB 3377** Turner, Sylvester SPONSOR: Gallegos  
Relating to membership and credit in and benefits and administration of public retirement systems for police officers in certain municipalities.
- HB 3477** Hartnett SPONSOR: Cain  
Relating to the qualification of a foreign personal representative of an estate involved in a wrongful death or survival action.
- HB 3531** Coleman SPONSOR: Gallegos  
Relating to membership and credit in and benefits and administration of retirement systems for officers and employees of certain municipalities.
- HB 3532** Coleman SPONSOR: Gallegos  
Relating to participation in, administration of, and benefits from certain public retirement systems for municipal employees.
- HB 3771** Gallego SPONSOR: Madla  
Relating to the name, powers, duties, and operations of the Maverick County Hospital District.
- HB 3772** Gallego SPONSOR: Madla  
Relating to the Big Bend Regional Hospital District.
- HB 3779** Luna, Vilma SPONSOR: Truan  
Relating to the powers and duties of the district attorney for the 105th Judicial District.
- HB 3799** Coleman SPONSOR: Gallegos  
Relating to the creation of the East Downtown Management District; providing authority to impose a tax and issue bonds.  
(AMENDED)
- HCR 134** Haggerty SPONSOR: Shapleigh  
Urging the Veterans' Land Board to establish a veterans home in El Paso County.  
(COMMITTEE SUBSTITUTE)

**SB 1225**            Shapiro  
Relating to the creation of water districts or political subdivisions and the annexation of land by a water district or political subdivision.

**SB 1325**            Gallegos  
Relating to school district purchasing and bonds.

**SB 1766**            Barrientos  
Relating to the commissioning of peace officers at the Texas School for the Deaf.

**SB 1786**            Gallegos  
Relating to appeals by terminated sheriff's department employees in certain counties to an independent third party hearing examiner.

**SB 1819**            Luna, Gregory  
Relating to the identification of technical education programs that are needed to maintain and improve the state's economic and technological competitiveness.

**SB 1899**            Nelson  
Relating to the creation of municipal courts of record in the Town of Flower Mound.

**SB 1901**            Bivins  
Relating to the disposition or sale of impounded estrays by a county.

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Monday, May 17, 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 REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

**SB 216**  
Senate Conferees: Duncan - Chair/Armbrister/Cain/Jackson/Sibley

**SB 801**  
Senate Conferees: Ellis, Rodney - Chair/Bernsen/Lucio/Shapleigh/Wentworth



**SB 1237**

Senate Conferees: Nelson - Chair/Armbrister/Bernsen/Jackson/Moncrief

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 869**

Senate Conferees: Harris - Chair/Ellis, Rodney/Moncrief/Nelson/Sibley

**HB 2025**

Senate Conferees: Shapleigh - Chair/Bernsen/Cain/Duncan/Lucio

**HB 2085**

Senate Conferees: Brown, J. E. "Buster" - Chair/Bernsen/Lindsay/Madla/Nelson

Respectfully,

Betty King

Secretary of the Senate

**Message No. 4**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Monday, May 17, 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:

**HB 1341**

Gallego

SPONSOR: Fraser

Relating to implementation of a Texas courthouse preservation program.

(COMMITTEE SUBSTITUTE/AMENDED)

**HB 2066**

Marchant

SPONSOR: Fraser

Relating to regulation of bank holding companies in an interstate banking and branching environment, the authorization of interstate operations of financial institutions in accordance with the requirements of federal law, and the enhancement of state ban

**HB 2461**

Alexander

SPONSOR: Ratliff

Relating to the issuance of certain specially designed license plates by the Texas Department of Transportation.

(AMENDED)

**HB 2593**

Haggerty

SPONSOR: Jackson

Relating to the prosecution of certain offenses related to taking an alcoholic beverage into a correctional facility.

**HB 2684** Coleman SPONSOR: Gallegos  
 Relating to reinvestment zones and tax increment financing under the Tax Increment Financing Act, tax abatement agreements within those zones, and the administration of certain local government corporations.  
 (COMMITTEE SUBSTITUTE/AMENDED)

**HB 2768** Pickett SPONSOR: Shapleigh  
 Relating to the issuance of special license plates for passenger cars and light trucks owned by or used for the transportation of veterans with disabilities.  
 (AMENDED)

**HB 2965** Hilber SPONSOR: Lindsay  
 Relating to the creation, administration, powers, duties, operation, and financing of the North Harris County Regional Water Authority; granting the power of eminent domain and the authority to issue bonds; providing a civil penalty.  
 (AMENDED)

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

**SB 135** (viva-voce vote)  
**SB 196** (viva-voce vote)  
**SB 354** (viva-voce vote)  
**SB 569** (viva-voce vote)  
**SB 601** (viva-voce vote)  
**SB 746** (30 Yeas, 0 Nays)  
**SB 843** (30 Yeas, 0 Nays)  
**SB 940** (30 Yeas, 0 Nays)  
**SB 1058** (30 Yeas, 0 Nays)  
**SB 1735** (viva-voce vote)

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

**SB 730**  
 Senate Conferees: Madla - Chair/Harris/Lindsay/Lucio/Nixon, Drew

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 1193**  
 Senate Conferees: Harris - Chair/Armbrister/Barrientos/Cain/Madla

Respectfully,

Betty King  
 Secretary of the Senate

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 14**

County Affairs - **SB 339, SB 1511, SB 1866**

Criminal Jurisprudence - **SB 528**

Financial Institutions - **SB 1520**

Higher Education - **SB 590, SB 848, SB 931, SB 993, SB 1288, SB 1356, SB 1451, SB 1861**

Human Services - **SB 13, SB 374, SB 666, SB 1441, SB 1586, SB 1678**

Insurance - **SB 956, SB 982**

Land & Resource Management - **SB 1073, SB 1323, SB 1442**

Public Health - **SB 983, SB 1331**

State Affairs - **SB 1851**

Urban Affairs - **SB 623, SB 867, SB 1287**

**ENGROSSED**

**May 14 - HB 106, HB 108, HB 124, HB 205, HB 230, HB 394, HB 753, HB 1006, HB 1029, HB 1087, HB 1200, HB 1256, HB 1287, HB 1288, HB 1490, HB 1594, HB 1664, HB 1888, HB 1911, HB 2009, HB 2017, HB 2022, HB 2112, HB 2135, HB 2144, HB 2168, HB 2202, HB 2281, HB 2298, HB 2437, HB 2478, HB 2481, HB 2565, HB 2624, HB 2673, HB 2949, HB 2978, HB 3086, HB 3117, HB 3186, HB 3243, HB 3402, HB 3430, HB 3447, HB 3489, HB 3495, HB 3552, HB 3758, HB 3764**

**ENROLLED**

**May 14 - HB 32, HB 81, HB 330, HB 340, HB 341, HB 381, HB 504, HB 579, HB 664, HB 732, HB 774, HB 871, HB 985, HB 1031, HB 1037, HB 1141, HB 1145, HB 1431, HB 1506, HB 1520, HB 1574, HB 1581, HB 1625, HB 1677, HB 1707, HB 1715, HB 1722, HB 1732, HB 1749, HB 1838, HB 1978, HB 2107, HB 2108, HB 2176, HB 2555, HB 2809, HB 2827, HB 2866, HB 3023, HB 3226, HB 3568, HCR 102, HCR 133, HJR 58**

**SENT TO THE GOVERNOR**

**May 14 - HB 822, HB 875, HB 1110, HB 1400, HB 1437, HB 1749**

**SENT TO THE SECRETARY OF STATE**

**May 14 - HJR 58**

**RECOMMENDATIONS FILED WITH THE SPEAKER****May 14 - HB 3845, HB 3846, HB 3847, HB 3848, HB 3850****SIGNED BY THE GOVERNOR****May 14 - HB 957, HB 1433, HB 2110**