

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTIETH DAY — SATURDAY, MAY 22, 1999

The house met at 11:55 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 420).

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; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, 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; Jones, C.; Jones, D.

LEAVES OF ABSENCE GRANTED

On motion of Representative Y. Davis and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Y. Davis moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed without objection.

MOTION FOR ONE RECORD VOTE

On motion of Representative Y. Davis and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

SB 63

SB 99

SB 139

SB 152

SB 171 (Madden - no)

SB 307

SB 315

SB 322

SB 446

SB 451

SB 519 (Heflin and Keffer - no)

SB 529

SB 551

SB 567

SB 577

SB 613

SB 627

SB 639

SB 682

SB 734

SB 846 (Heflin - no)

SB 853

SB 872

SB 916

SB 964

SB 974

SB 982

SB 987

SB 1118

SB 1175**SB 1185****SB 1197****SB 1204****SB 1217****SB 1277****SB 1292****SB 1302****SB 1359****SB 1378****SB 1379****SB 1382****SB 1419****SB 1423** (Heflin - no)**SB 1442****SB 1532****SB 1571****SB 1587****SB 1593****SB 1640****SB 1664****SB 1862**

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by (Record 421): 144 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following bill number).

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

McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Corte; Jones, C.; Jones, D.

Absent — Driver.

SB 76 (Heflin - no) (143-1-2)

SB 79 (144-0-2)

SB 131 (144-0-2)

SB 199 (144-0-2)

SB 209 (144-0-2)

SB 231 (144-0-2)

SB 258 (144-0-2)

SB 296 (144-0-2)

SB 424 (144-0-2)

SB 450 (144-0-2)

SB 521 (144-0-2)

SB 616 (144-0-2)

SB 621 (Heflin - no) (143-1-2)

SB 640 (144-0-2)

SB 641 (144-0-2)

SB 677 (144-0-2)

SB 735 (144-0-2)

SB 805 (144-0-2)

SB 934 (144-0-2)

SB 965 (144-0-2)

SB 1220 (Heflin - no) (143-1-2)

SB 1234 (144-0-2)

SB 1254 (144-0-2)

SB 1290 (144-0-2)

SB 1293 (144-0-2)

SB 1310 (144-0-2)

SB 1346 (144-0-2)

SB 1361 (144-0-2)

SB 1391 (144-0-2)

SB 1569 (144-0-2)

SB 1591 (144-0-2)

SB 1665 (144-0-2)

SB 1763 (Heflin - no) (143-1-2)

SB 1881 (144-0-2)

CSSB 1591 - STATEMENT OF LEGISLATIVE INTENT

In an effort to comply with the new federal standards established by the Health Insurance Portability and Accountability Act, **CSSB 1591** requires state agencies and all stake holders involved, including hospitals, health plans, providers, and consumers, to develop a process for implementing and continual compliance with the new federal regulations.

It is the legislative intent of the sponsor of this bill that all the stake holders enumerated above are to be included in the decision making process.

Maxey

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

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

(Speaker in the chair)

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

Representative Y. Davis moved to set a local, consent, and resolutions calendar for 10 a.m. Tuesday, May 25.

The motion prevailed without objection.

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

Representative Y. Davis moved to set a local, consent, and resolutions calendar for 10 a.m. Wednesday, May 26.

The motion prevailed without objection.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

SB 30 ON THIRD READING
(Delisi - House Sponsor)

SB 30, A bill to be entitled An Act relating to parental notification before an abortion may be performed on certain minors; providing a criminal penalty.

Representative Dutton raised a point of order against further consideration of **SB 30** under Rule 8, Section 3 of the House Rules and Article III, Section 35 of the Texas Constitution on the grounds that the bill contains more than one subject.

Representative Delisi moved to postpone consideration of **SB 30** until 1:00 p.m. today.

The motion prevailed without objection.

SB 1547 ON THIRD READING
(Oliveira - House Sponsor)

SB 1547, A bill to be entitled An Act relating to the collection of the tax on motor fuels; providing penalties.

SB 1547 was passed.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 926 ON THIRD READING
(Siebert - House Sponsor)

SB 926, A bill to be entitled An Act relating to the pooling of turnpike projects.

SB 926 was passed.

SB 1165 ON THIRD READING
(Keel - House Sponsor)

SB 1165, A bill to be entitled An Act relating to the designation of water quality protection zones.

SB 1165 was passed.

SB 1020 ON THIRD READING
(S. Turner - House Sponsor)

SB 1020, A bill to be entitled An Act relating to telephone prepaid calling services; providing penalties.

A record vote was requested.

SB 1020 was passed by (Record 422): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez;

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Jones, C.; Jones, D.

SB 1116 ON THIRD READING
(Morrison - House Sponsor)

SB 1116, A bill to be entitled An Act relating to an exception to the offense of contributing to the delinquency of a narcotic addict.

SB 1116 was passed.

SB 1122 ON THIRD READING
(Kuempel - House Sponsor)

SB 1122, A bill to be entitled An Act relating to circumstances in which cigarettes may not be affixed with stamps or sold; providing penalties.

Representative Kuempel moved to postpone consideration of **SB 1122** until 12:45 p.m. today.

The motion prevailed without objection.

SB 1354 ON THIRD READING
(Greenberg - House Sponsor)

SB 1354, A bill to be entitled An Act relating to longevity pay for certain state employees.

SB 1354 was passed.

SB 1525 ON THIRD READING
(Uher - House Sponsor)

SB 1525, A bill to be entitled An Act relating to the practice of dietetics.

Amendment No. 1

Representative Uher offered the following amendment to **SB 1525**:

Amend **SB 1525** on Third Reading as follows:

(1) Insert a new SECTION in the bill, appropriately numbered, as follows:

SECTION _____. Section 15, Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Unless the person is licensed under this Act, a person may not for compensation provide nutrition services or hold that person out as authorized by law to provide nutrition services.

(d) A person commits an offense if the person knowingly or intentionally violates Subsection (a), ~~[or]~~ (b), or (c) of this section. An offense under this section is a Class B misdemeanor.

(2) Insert the following new SECTION to the bill, appropriately numbered:

SECTION _____. The Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes) is amended by adding Section 15B to read as follows:

Sec. 15B. NUTRITION SERVICES EXEMPTIONS. This Act does not apply to the provision of nutrition services by:

(1) other licensed health care professionals, including physicians, dentists, chiropractors, registered nurses, and licensed vocational nurses, if the activities are permitted by the law under which the professional is licensed and the licensed professional does not represent that the professional is a licensed dietitian or authorized by law to provide nutrition services;

(2) a student, intern, or provisional licensed dietitian who is enrolled in training or in a course of study at a regionally accredited institution of higher education and who is under the supervision and direction of a licensed dietitian while engaged in activity related to the training or course of study;

(3) a dietetic technician or dietary manager while practicing under the supervision of a licensed dietitian;

(4) a person employed as a dietitian or nutritionist by a governmental agency or regionally accredited institution of higher education while the person is performing duties within the scope of the person's employment; or

(5) a person performing voluntary activities or who is acting within the scope of the person's employment by a charitable, nonprofit organization if the person does not represent that the person is a licensed dietitian or authorized by law to provide nutrition services.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 1 was adopted without objection.

SB 1525 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GREEN: You're saying that this would not apply to a person that, for instance, would provide a service where they would go in and train a group of people on nutrition; say which foods to eat with certain foods; which foods not to eat with certain foods.

REPRESENTATIVE UHER: That is correct.

GREEN: Even if they were receiving compensation for that training?

UHER: That is correct.

GREEN: Because there wouldn't be a specific one-on-one diet plan or meal plan with that individual.

UHER: That is correct.

GREEN: What about an individual who might be selling vitamins and herbs, but they would be selling it one-on-one with you and maybe telling you, "I've got these ten different products and here's what these products do. If you're looking for energy, this product will do it; if you're looking for fat loss..." That type of thing, but they are not actually going in and advising that person on....

UHER: It is my understanding that would fall into the category of commercial free speech and therefore would not be included under the amendment that was adopted yesterday.

GREEN: So as long as they are not making any medical claims and not going into medical advising....

UHER: That is my understanding as well.

GREEN: Thank you, Mr. Uher.

REMARKS ORDERED PRINTED

Representative Uher moved to print remarks by himself and Representative Green and Representative Uher.

The motion prevailed without objection.

SB 1525, as amended, was passed.

SB 1734 ON THIRD READING (Telford - House Sponsor)

SB 1734, A bill to be entitled An Act relating to the limit on amounts that may be awarded for pecuniary loss to certain applicants under the Crime Victims' Compensation Act.

A record vote was requested.

SB 1734 was passed by (Record 423): 145 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Jones, C.; Jones, D.

Absent — Van de Putte.

SB 1794 ON THIRD READING
(Telford - House Sponsor)

SB 1794, A bill to be entitled An Act relating to powers and duties of the Red River Redevelopment Authority; validating certain acts of the authority.

A record vote was requested.

SB 1794 was passed by (Record 424): 146 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Jones, C.; Jones, D.

SB 1883 ON THIRD READING
(R. Lewis - House Sponsor)

SB 1883, A bill to be entitled An Act relating to certain rates charged by a gas utility or municipally owned utility to a state agency.

A record vote was requested.

SB 1883 was passed by (Record 425): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Gray; Jones, C.; Jones, D.; Nixon.

Absent — Talton.

LEAVES OF ABSENCE GRANTED

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

Gray on motion of Danburg.

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

Nixon on motion of Denny.

POSTPONED BUSINESS

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

SB 1122 ON THIRD READING (Kuempel - House Sponsor)

SB 1122, A bill to be entitled An Act relating to circumstances in which cigarettes may not be affixed with stamps or sold; providing penalties.

SB 1122 was read third time earlier today and was postponed until this time.

Amendment No. 1

Representative Kuempel offered the following amendment to **SB 1122**:

Amend **SB 1122**, on third reading, by striking the language in the Gallego Amendment to the amendment (Second reading amendment No. 2) in SECTION 5 of the bill, "on the first day that it may take effect under Section 39, Article III, Texas Constitution" and by substituting "September 1, 1999"

Amendment No. 1 was adopted without objection.

SB 1122, as amended, was passed.

GENERAL STATE CALENDAR
(consideration continued)

SB 792 ON THIRD READING
(Isett - House Sponsor)

SB 792, A bill to be entitled An Act relating to a requirement that a payor of the proceeds from the sale of gas produced from certain gas wells furnish certain information to the payee.

SB 792 was passed.

SB 851 ON THIRD READING
(Pickett - House Sponsor)

SB 851, A bill to be entitled An Act relating to an application for issuance of a subpoena.

A record vote was requested.

SB 851 was passed by (Record 426): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Gray; Jones, C.; Jones, D.; Nixon.

SB 953 ON THIRD READING
(J. F. Solis - House Sponsor)

SB 953, A bill to be entitled An Act relating to vacating a judgment in a delinquent tax suit.

SB 953 was passed.

SB 926 - VOTE RECONSIDERED

Representative Keel moved to reconsider the vote by which **SB 926** was passed to third reading.

The motion to reconsider prevailed.

Amendment No. 1

Representative Keel offered the following amendment to **SB 926**:

Amend **SB 926** by adding Section 3 to read as follows:

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.

Amendment No. 1 was adopted without objection.

Vote Reconsidered - Amendment No. 1

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

The motion prevailed without objection.

Amendment No. 1 was withdrawn.

SB 926 was passed.

SB 1165 - VOTE RECONSIDERED

Representative Keel moved to reconsider the vote by which **SB 1165** was passed.

The motion to reconsider prevailed.

A record vote was requested.

SB 1165 was passed by (Record 427): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Gray; Jones, C.; Jones, D.; Nixon.

Absent — Maxey.

SB 962 ON THIRD READING
(Keel - House Sponsor)

SB 962, A bill to be entitled An Act relating to the prosecution and punishment of the offense of harassment.

Amendment No. 1

Representative Keel offered the following amendment to **SB 962**:

Amend **SB 962** on 3rd Reading, in amended Section 42.07, Penal Code, by striking Section 42.07(c), as amended by the Thompson 2nd Reading amendment, and substituting the following:

(c) An offense under this section is a Class B misdemeanor unless the defendant has previously been convicted under this section, in which event the offense is a Class A misdemeanor.

Amendment No. 1 failed of adoption.

Representative Keel moved to postpone consideration of **SB 962** until 10 a.m. Monday, May 24.

The motion prevailed.

SB 1030 ON THIRD READING
(Farabee - House Sponsor)

SB 1030, A bill to be entitled An Act relating to the use of a prescription drug formulary by a group health benefit plan.

SB 1030 was passed.

SB 1223 ON THIRD READING
(Counts - House Sponsor)

SB 1223, A bill to be entitled An Act relating to the regulation of the practice of acupuncture.

Amendment No. 1

Representative Counts offered the following amendment to **SB 1223**:

Amend **SB 1223** on page 3, line 20, by striking "48" and inserting "60".

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 1223, as amended, was passed by (Record 428): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins;

Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; 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; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Gray; Jones, C.; Jones, D.; Nixon.

SB 1340 ON THIRD READING
(Gray - House Sponsor)

SB 1340, A bill to be entitled An Act relating to the regulation of anesthesia in certain outpatient settings.

SB 1340 was passed.

SB 977 ON THIRD READING
(Sadler, McReynolds, Christian, Staples, Ellis, et al.- House Sponsors)

SB 977, A bill to be entitled An Act relating to exemptions from ad valorem and sales and use taxation of certain timber and certain items used in timber operations and the valuation of certain timber land for ad valorem tax purposes.

SB 977 was passed.

SB 86 ON THIRD READING
(Danburg - House Sponsor)

SB 86, A bill to be entitled An Act relating to the protection of telecommunications and electric services customers; providing penalties.

Amendment No. 1

Representative Danburg offered the following amendment to **SB 86**:

Amend **SB 86**, on third reading, as follows:

(1) In Section 17.004(a) (11), Utilities Code, as added by SECTION 3 of the bill (House committee report page 6, line 6), strike "programs" and substitute "after retail competition begins as authorized by the legislature, programs provided by retail electric providers".

(2) In Section 17.004(e), Utilities Code, as added by SECTION 3 of the bill (House committee report page 7, line 2), insert "or to abridge the rights of low-income customers to receive benefits through pending or operating programs" between "rules" and "in".

(3) In Section 17.004, Utilities Code, as added by SECTION 3 of the bill (House committee report page 7, between lines 3 and 4), insert a new Subsection (g) to read as follows:

(g) Notwithstanding any other provision of this title, the rules adopted under Subsection (b) shall provide full, concurrent reimbursement for the costs of any programs provided under Subsection (a) (11) and for reimbursement for the difference between any affordable rate package provided under Subsection (a) (11) and any rates otherwise applicable.

(4) In Section 17.005, Utilities Code, as added by SECTION 3 of the bill (House committee report, page 7, lines 7 through 9), strike "For electric customers within a municipally owned utility's certificated service area or otherwise served through its distribution facilities, the" and substitute "The".

(5) In Section 17.005, Utilities Code, as added by SECTION 3 of the bill (House committee report, page 7, line 12) insert ", as to the municipally owned utility within its certificated service area" between "17.102" and the period.

(6) In Section 17.005, Utilities Code, as added by SECTION 3 of the bill (House committee report, page 7, line 14) insert "disputes arising from services provided by the municipally owned utility to" between "for" and "electric".

(7) In Section 17.005 Utilities Code, as added by SECTION 3 of the bill (House committee report, page 7, lines 16 and 17) strike "or otherwise served through its distribution facilities" between "area" and the period.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Janek offered the following amendment to **SB 86**:

Amend **SB 86**, on third reading, by striking the Janek Amendment (Second Reading Amendment No. 5), which added Section 55.012, Utilities Code, in its entirety.

Amendment No. 2 was adopted without objection.

SB 86, as amended, was passed.

SB 486 ON THIRD READING (R. Lewis - House Sponsor)

SB 486, A bill to be entitled An Act relating to the processing or disposing of solid waste.

Amendment No. 1

Representatives R. Lewis and Zbranek offered the following amendment to **SB 486**:

Amend **SB 486**, on third reading, by striking Subsection (b), SECTION 5 of the bill (transition language), as amended by the Zbranek amendment, and substituting a new Subsection (b) to read as follows:

(b) The changes in law made by this Act to Sections 361.152, 363.112, and 364.012, Health and Safety Code, do not apply to an application filed:

(1) before September 1, 1998, if the county commissioners court has, on or before September 1, 1999, enacted an ordinance or adopted an order under Section 363.112 or 364.012, Health and Safety Code; or

(2) on or after September 1, 1998, but before September 1, 1999, if the county commissioners court has, on or before September 1, 1999, provided notice in accordance with Chapter 551, Government Code, of its intent to enact an ordinance or adopt an order under Section 363.112 or 364.012, Health and Safety Code, and the ordinance or order is effective on or before January 1, 2000.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Dukes offered the following amendment to **SB 486**:

Amend **SB 486**, on third reading, by amending the Dukes Amendment (Second reading amendment No. 5), which added Section 361.118(b), Health and Safety Code (Dukes amendment page 1, line 18), by striking "In the event of a release or threatened release" and by substituting "If the commission determines that there is a release or that a release is imminent"

Amendment No. 2 was adopted without objection.

SB 486, as amended, was passed.

SB 1319 ON THIRD READING (Isett - House Sponsor)

SB 1319, A bill to be entitled An Act relating to procedures for tax auditing and collection.

SB 1319 - STATEMENT OF LEGISLATIVE INTENT

Section 151.430 added to the Tax Code will allow a person holding a permit under the Sales Tax Act to recover overpayments to the State for self-accrued tax or tax paid to vendors for periods that are open under the limitations periods specified in Chapter 111 of the Tax Code.

Isett

REMARKS ORDERED PRINTED

Representative Isett moved to print his remarks on **SB 1319**.

The motion prevailed without objection.

SB 1319 was passed.

SB 1351 ON THIRD READING (Greenberg - House Sponsor)

SB 1351, A bill to be entitled An Act relating to health benefits plan coverage for dependent children of certain employees paid by state appropriated money.

SB 1351 - STATEMENT OF LEGISLATIVE INTENT

It is our intent that every state employee with the qualifying income be eligible to participate in this program.

Greenberg

REMARKS ORDERED PRINTED

Representative Greenberg moved to print her remarks on **SB 1351**.

The motion prevailed without objection.

SB 1351 was passed. (Berman recorded voting no)

**SB 1235 ON THIRD READING
(Janek - House Sponsor)**

SB 1235, A bill to be entitled An Act relating to the use of a medical practitioner's Federal Drug Enforcement Administration number; creating an offense.

SB 1235 was passed.

**SB 785 ON THIRD READING
(S. Turner - House Sponsor)**

SB 785, A bill to be entitled An Act relating to autopsy reports.

SB 785 was passed.

**SB 862 ON THIRD READING
(Janek, Driver, et al. - House Sponsors)**

SB 862, A bill to be entitled An Act relating to donation of organs.

A record vote was requested.

SB 862 was passed by (Record 429): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Gray; Jones, C.; Jones, D.; Nixon.

SB 294 ON THIRD READING
(Thompson - House Sponsor)

SB 294, A bill to be entitled An Act relating to the appointment of probate masters for certain courts.

SB 294 was passed.

SB 352 ON THIRD READING
(McCall - House Sponsor)

SB 352, A bill to be entitled An Act relating to requirements for membership on or employment by the Board of Pardons and Paroles.

SB 352 was passed.

SB 456 ON THIRD READING
(A. Reyna, Coleman, et al. - House Sponsors)

SB 456, A bill to be entitled An Act relating to facilitating and supporting efforts of certain municipalities to promote economic development by hosting the Pan American Games and the Olympic Games; providing a penalty.

SB 456 was passed. (Berman, Denny, and Uher recorded voting no)

SB 1615 ON THIRD READING
(J. Solis - House Sponsor)

SB 1615, A bill to be entitled An Act relating to the creation and operation of health services districts; granting the authority to issue bonds.

Amendment No. 1

Representative J. Solis offered the following amendment to **SB 1615**:

Amend **SB 1615** on third reading by striking the text of second reading amendment #2 and substituting the following:

Amend **SB 1615** as follows:

(1) In SECTION 1 of the bill, at the end of proposed Subsection (b), Section 287.023, Health and Safety Code (House Committee Report, page 4, between lines 6 and 7), insert the following:

(c) A health services district may not:

(1) establish, conduct, or maintain an institution as defined by Section 242.002; or

(2) establish or operate a personal care facility as defined by Section 247.002.

Amendment No. 1 was adopted without objection.

SB 1615, as amended, was passed.

LEAVE OF ABSENCE GRANTED

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

Driver on motion of Bonnen.

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

(Kuempel in the chair)

**SB 1718 ON SECOND READING
(Hilbert - House Sponsor)**

SB 1718, A bill to be entitled An Act relating to alternative dispute resolution systems established by counties.

SB 1718 was passed to third reading.

**CSSB 122 ON SECOND READING
(Janek, Solomons, J. Davis, and Clark - House Sponsors)**

CSSB 122, A bill to be entitled An Act relating to automated external defibrillator devices.

CSSB 122 - LAID ON THE TABLE SUBJECT TO CALL

Representative Janek moved to lay **CSSB 122** on the table subject to call.

The motion prevailed without objection.

(Gray now present)

**SB 1851 ON SECOND READING
(S. Turner - House Sponsor)**

SB 1851, A bill to be entitled An Act relating to public access to governmental information and decisions, including revisions to the public information law.

Amendment No. 1

Representative Solomons offered the following amendment to **SB 1851**:

Amend **SB 1851** as follows:

(1) In SECTION 28 of the bill, proposed Section 552.3215(e), Government Code (Committee printing, on page 33, line 8) between "located" and the period, insert "unless the governmental body is the district or county attorney".

(2) In SECTION 28 of the bill proposed Section 552.3215(e), Government Code (Committee printing, on page 33, line 13), between "attorney." and "To be valid." insert "If the governmental body is the district or county attorney, the complaint must be filed with the attorney general."

(3) In SECTION 28 of the bill proposed Section 552.3215(h), Government Code (Committee printing, on page 34, line 8) immediately after "(h)", insert "Notwithstanding Subsection (g) (1), if the district or county attorney believes that that official has a conflict of interest that would preclude that official from bringing an action under this section against the governmental body complained of , before the 31st day after the date the complaint was filed, the county or district attorney shall inform the complainant of that official's

belief and of the complaint's right to file the complaint with the attorney general."

Amendment No. 1 was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 59).

(Speaker in the chair)

SB 1851 - (consideration continued)

Amendment No. 2

Representatives Walker and Counts offered the following amendment to **SB 1851**:

Amend **SB 1851** as follows:

(1) In SECTION 27 of the bill, in proposed Section 552.321(b), Government Code (House Committee Printing, page 31, line 25 through page 32, line 1), by striking "A suit filed by the attorney general under this section must be filed in a district court of Travis County." and substituting "A suit filed by the attorney general under this section must be filed in a district court of Travis County, except that a suit against a municipality with a population of 500,000 or less must be filed in a district court for the county in which the main offices of the municipality are located."

(2) In SECTION 28 of the bill, in proposed Section 552.3215(c), Government Code (House Committee Printing, page 32, lines 24-26), strike "if brought by the district or county attorney and only in a district court of Travis County if brought by the attorney general".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Garcia offered the following amendment to **SB 1851**:

Amend **SB 1851** by adding a new section to the bill, appropriately numbered, to read as follows and renumbering subsequent sections of the bill accordingly:

SECTION _____. (a) Subchapter A, Chapter 552, Government Code, is amended by adding Section 552.0065 to read as follows:

Sec. 552.0065. GROUNDS FOR WITHHOLDING PUBLIC INFORMATION. (a) An officer for public information or the officer's agent may not refuse to give access to public information to a requestor or refuse to permit or provide copying of public information to a requestor as provided by this chapter unless the officer or the officer's agent reasonably believes that public access to the requested information is not required and:

(1) the officer or the officer's agent is acting in reasonable reliance on a court order or a written interpretation of this chapter contained in an opinion of a court of record or of the attorney general issued under Subchapter G;

(2) the officer for public information requested a decision from the attorney general in accordance with Subchapter G, and the decision is pending; or

(3) no later than the 10th calendar day after the date that the decision of the attorney general that the information is public was received, the governmental body, the officer for public information, or another person or entity filed a petition for a declaratory judgment, a writ of mandamus, or both, against the attorney general in a Travis County district court seeking relief from compliance with the decision of the attorney general, and the petition is pending.

(b) An officer for public information or the officer's agent who refuses to provide access to or refuses to permit or provide copying of information under Subsection (a) must provide the requestor with a written statement of the reasons for the refusal.

(c) The written statement must identify the exception that allows the information to be withheld and must be provided to the requestor no later than the 15th day after the date the request for access to or copying of the information is received by the officer for public information or the officer's agent.

(b) Section 552.351, Government Code, is amended by adding Subsection (c) to read as follows:

(c) A violation under this section constitutes official misconduct.

(c) This section of this Act takes effect September 1, 1999.

(d) The change in law made by Subsection (a) of this section applies only to a request for access to or copying of public information received by an officer for public information or the officer's agent on or after September 1, 1999.

(e) The change in law made by Subsection (b) of this section applies only to an offense committed on or after September 1, 1999. An offense committed before September 1, 1999, is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before September 1, 1999, if any element of the offense was committed before that date.

(Marchant in the chair)

Representative S. Turner moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative J. F. Solis offered the following amendment to **SB 1851**:

Amend **SB 1851** by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Section 191.0045, Health and Safety Code, is amended by amending Subsections (d) and (g) and adding Subsection (h) to read as follows:

(d) A local registrar who issues a certified copy of a birth or death

certificate shall charge the same fees as charged by the bureau of vital statistics, including the additional fee required under Subsection (e), except as provided by Subsections ~~[Subsection]~~ (g) and (h).

(g) A local registrar that on March 31, 1995, was charging a fee for the issuance of a certified copy of a birth certificate that exceeded the fee charged by the bureau of vital statistics for the same type of certificate may continue to do so but shall not raise this fee until the fee charged by the bureau exceeds the fee charged by the local registrar, except as provided by Subsection (h). A local registrar to which this subsection applies shall charge the additional fee as required under Subsection (e) and may charge the additional fee allowed under Subsection (h).

(h) In addition to other fees charged under this section, a local registrar may charge a records management and preservation fee not to exceed \$1 for each copy or certified copy of a birth, death, or fetal death record issued by the local registrar. The fee may be used only to provide funds for the management and preservation of birth, death, fetal death, and other vital statistics records maintained by the local registrar. Fees collected under this subsection by a county or precinct officer shall be deposited to the credit of the records management and preservation fund established under Section 203.003(6), Local Government Code. This subsection expires September 1, 2011.

SECTION _____. Subtitle A, Title 6, Local Government Code, is amended by adding Chapter 190 to read as follows:

CHAPTER 190. MISCELLANEOUS RECORDS

PROVISIONS AFFECTING MUNICIPALITIES

Sec. 190.001. RECORDS MANAGEMENT AND PRESERVATION FEE. In addition to the amounts that a municipal clerk may charge for providing a copy of a document under Subchapter F, Chapter 552, Government Code, or under another law, a municipal clerk may charge a records management and preservation fee as an additional fee in an amount equal to five percent of the amount the clerk would otherwise charge for the copy. Money received from the records preservation fee may be used only for the management and preservation of municipal records.

Sec. 190.002. EXPIRATION. This chapter expires September 1, 2011.

SECTION _____. Section 203.003, Local Government Code, is amended to read as follows:

Sec. 203.003. DUTIES OF COMMISSIONERS COURT. The commissioners court of each county shall:

(1) promote and support the efficient and economical management of records of all elective offices in the county to enable elected county officers to conform to this subtitle and rules adopted under it;

(2) facilitate the creation and maintenance of records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of each elective office and designed to furnish the information necessary to protect the legal and financial rights of the local government, the state, and the persons affected by the activities of the local government;

(3) facilitate the identification and preservation of the records of elective offices that are of permanent value;

(4) facilitate the identification and protection of the essential records of elective offices;

(5) establish a county clerk records management and preservation fund for fees subject to Section 118.0216 and approve in advance any expenditures from the fund; and

(6) establish a records management and preservation fund for the records management and preservation fees authorized under Sections 118.052, 118.0546, and 118.0645, Section 51.317, Government Code, ~~[and]~~ Article 102.005(d), Code of Criminal Procedure, and Section 191.0045(h), Health and Safety Code, to the extent Section 191.0045(h) relates to the collection of fees by county and precinct officers, and approve in advance any expenditures from the fund, which may be spent only for records management preservation or automation purposes in the county.

Representative S. Turner moved to table Amendment No. 4.

The motion to table prevailed.

Amendment No. 5

Representative Gallego offered the following amendment to **SB 1851**:

Amend **SB 1851** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Section 551.001 (3), Government Code, is amended to read as follows:

(3) "Governmental body" means:

(A) a board, commission, department, committee, or agency within the executive or legislative branch of state government that is directed by one or more elected or appointed members;

(B) a county commissioners court ~~[in the state]~~;

(C) a municipal governing body ~~[in the state]~~

(D) a deliberative body that has rulemaking or quasi-judicial power and that is classified as a department, agency, or political subdivision of a county or municipality;

(E) a school district board of trustees;

(F) a county board of school trustees or board of education;

(G) ~~[a county board of education]~~;

~~(H)~~ the governing board of a special district created by law;

~~[and]~~

~~(H) [(H)] a nonprofit corporation organized under Chapter 67, Water Code [76, Acts of the 43rd Legislature, 1st Called Session, 1933 (Article 1434a, Vernon's Texas Civil Statutes)], that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.30, Tax Code;~~

(I) a gathering of two or more statutory or district judges performing the judge's or judges' management or administrative function that does not:

(i) involve the adjudication of an individual case;

or

(ii) involve only a determination about whether a judicial record is open to the public under a rule adopted by the Supreme Court of Texas; and

(J) any council created by rule of the Supreme Court of Texas to promote the orderly and efficient administration of justice.

Representative S. Turner moved to table Amendment No. 5.

The motion to table was lost.

LEAVE OF ABSENCE GRANTED

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

Smithee on motion of Bonnen.

SB 1851 - (consideration continued)

(Speaker in the chair)

A record vote was requested.

Amendment No. 5 failed of adoption by (Record 430): 60 Yeas, 79 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bonnen; Brimer; Burnam; Chisum; Coleman; Cook; Counts; Crownover; Cuellar; Danburg; Denny; Dunnam; Eiland; Ellis; Gallego; Garcia; Goodman; Gray; Greenberg; Gutierrez; Haggerty; Hawley; Hill; Hinojosa; Janek; Junell; Keel; King, P.; King, T.; Lengefeld; Lewis, G.; Madden; Maxey; McClendon; McReynolds; Merritt; Morrison; Naishtat; Najera; Oliveira; Pickett; Puente; Ramsay; Reyna, A.; Sadler; Salinas; Solis, J.; Solis, J. F.; Solomons; Staples; Thompson; Uher; Walker; West; Wise; Wolens; Yarbrough.

Nays — Allen; Bailey; Berman; Bosse; Brown, B.; Brown, F.; Capelo; Carter; Chavez; Christian; Clark; Crabb; Craddick; Culberson; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dutton; Edwards; Ehrhardt; Elkins; Farabee; Farrar; George; Giddings; Glaze; Goolsby; Green; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Jones, J.; Keffer; Krusee; Kuempel; Lewis, R.; Longoria; Luna; McCall; Moreno, J.; Moreno, P.; Mowery; Noriega; Olivo; Palmer; Rangel; Reyna, E.; Ritter; Seaman; Shields; Siebert; Smith; Swinford; Talton; Telford; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Van de Putte; Williams; Wilson; Wohlgenuth; Woolley; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Absent — Flores; Grusendorf; Marchant; Pitts.

Amendment No. 6

Representative Hupp offered the following amendment to **SB 1851**:

Amend **SB 1851** by adding the following appropriately numbered

SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.133 to read as follows:

Sec. 552.133. PROHIBITION ON DISCLOSURE OF CERTAIN PERSONAL INFORMATION. (a) Notwithstanding any other law and except as provided by Subsection (b) or (c), a person's physical address, mailing address, phone number, electronic or photographic image, and social security number may not be disclosed to a member of the public by a governmental body in response to a request for the information made under this chapter or any other statute.

(b) Subsection (a) does not prohibit the disclosure of a person's zip code.

(c) This section does not apply to information regarding a person who is a current officer or employee of a governmental body.

Representative S. Turner moved to table Amendment No. 6.

The motion to table was lost.

A record vote was requested.

Amendment No. 6 failed of adoption by (Record 431): 46 Yeas, 94 Nays, 1 Present, not voting.

Yeas — Alexander; Averitt; Bonnen; Brimer; Chisum; Christian; Cook; Crabb; Craddick; Crownover; Culberson; Davis, J.; Denny; Elkins; George; Goolsby; Green; Hartnett; Heflin; Hilderbran; Hill; Howard; Hunter; Hupp; Isett; Janek; Junell; Keffer; King, P.; King, T.; Kuempel; McReynolds; Morrison; Mowery; Palmer; Pitts; Shields; Smith; Solomons; Staples; Swinford; Talton; Turner, B.; Uher; Walker; Wohlgenuth.

Nays — Allen; Alvarado; Bailey; Berman; Bosse; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Clark; Coleman; Counts; Cuellar; Danburg; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Goodman; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilbert; Hinojosa; Hochberg; Hodge; Homer; Hope; Jones, J.; Keel; Krusee; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; Merritt; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Siebert; Solis, J.; Solis, J. F.; Thompson; Tillery; Truitt; Turner, S.; Uresti; Van de Putte; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Absent — Grusendorf; Marchant; Telford.

STATEMENT OF VOTE

I was shown voting yes on Record No. 431. I intended to vote no.

Culberson

Amendment No. 7

Representative Dunnam offered the following amendment to **SB 1851**:

Amend **SB 1851** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Chapter 22, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. GENERAL RULEMAKING PROVISIONS

Sec. 22.351. APPLICATION. (a) This subchapter applies only to the supreme court and the court of criminal appeals.

(b) A court may not issue a rule or an amendment to a rule under Section 22.003, 22.004, 22.108, or 22.109 unless the court meets the requirements of this subchapter.

Sec. 22.352. OPEN MEETINGS; PUBLIC INFORMATION. A committee, task force, or other group appointed by a court to discuss, examine, or recommend a rule or an amendment to a rule covered by this subchapter is subject to the open meetings law, Chapter 551, and the public information law, Chapter 552.

Representative S. Turner moved to table Amendment No. 7.

The motion to table prevailed.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Telford requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 4 p.m. today, speakers committee room.

SB 1851 - (consideration continued)

SB 1851, as amended, was passed to third reading.

POSTPONED BUSINESS

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

SB 30 ON THIRD READING

(Delisi - House Sponsor)

SB 30, A bill to be entitled An Act relating to parental notification before an abortion may be performed on certain minors; providing a criminal penalty.

SB 30 was read third time earlier today, and Representative Dutton raised a point of order against further consideration of the bill. A ruling on the point of order was pending at the time of postponement.

Representative Dutton raised a point of order against further consideration of **SB 30** under Rule 8, Section 3 of the House Rules and Article III, Section 35 of the Texas Constitution on the grounds that the bill contains more than one subject.

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

Mr. Dutton has raised a point of order against further consideration of **SB 30** under Rule 8, Section 3, House Rules, and Article III, Section 35, Texas Constitution, in that the bill contains more than one subject.

Mr. Dutton argues that Section 33.009, Family Code, as added by the bill, which imposes a duty on physicians to report suspected physical or sexual abuse of a minor, imposes that duty independent of any connection with the minor seeking an abortion.

In considering the constitutionality of laws, courts are under a duty to give a constitutional construction to the law if possible. Although the words of Section 33.009(a), Family Code, do not expressly limit the duty to report to circumstances in connection with the seeking of an abortion, the chair believes that the context of the duty limits the circumstances in which the physician is obligated to report:

Subsection (b) of the same section, which directs the Department of Regulatory and Protective Services, in responding to the report, to assist the minor in making application to a court for permission to obtain an abortion without parental notice.

The chapter of the Family Code in which duty to report appears is a chapter that otherwise deals exclusively with notice of abortions.

Other law in the same code—Section 261.101, Family Code—already imposes a general duty on physicians to report suspected abuse.

The standard for finding a violation of the one-subject rule is very high; courts typically find violations of the one-subject rule only when there is no conceivable single subject that describes all the elements of the bill. **SB 30**, which is capable of a constitutional construction, does not meet that standard.

The chair notes that this constitutional issue is a mixed issue of substance and procedure, and that a court may independently determine whether **SB 30** violates the constitutional one-subject rule. The parliamentary ruling does not limit the court's authority in that regard.

Having found that the bill may be construed in a constitutional manner, and would be so construed by a court, the point of order is respectfully overruled.

CSSB 30 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE DUTTON: I just wanted to ask a couple of questions, Ms. Delisi. One is, as I understand it in the bill, this bill, as you said over and over yesterday, was about notifying parents when a minor is attempting to obtain an abortion?

REPRESENTATIVE DELISI: Yes.

DUTTON: Now there is one part of the bill I don't understand though, that talks about the parental abuse?

DELISI: Yes.

DUTTON: And I am not quite sure it doesn't limit itself to sexual abuse. On page 11 in the bill, it talks about the physicians duty to report abuse of a minor.

DELISI: Yes.

DUTTON: And it doesn't limit it to sex abuse which might be related here. I wonder what the intent there was?

DELISI: This was language that was added fairly late in the bill, and I support it whole-heartedly. The physician is explicitly instructed that when a minor child comes to him and he sees physical abuse or perhaps has reported sexual abuse to him or her, that the physician is instructed to bring in the Department of Protective and Regulatory Services. Then the department would be able to intervene on the child's for her help and helps her make applications.

DUTTON: But it doesn't limit itself to reporting by a physician only in case of a minor seeking an abortion, does it?

DELISI: The way that it reads is, that the physician who--the minor child, reports to the physician, seeking an abortion and if that physician has reason to believe as reported for physical or sexual abuse, then that's when PRS is called in.

DUTTON: Right, but my question Ms. Delisi is that it doesn't limit itself to a minor who is seeking an abortion with the language in the bill?

DELIS: This was Representative Gray's drafting, and it was agreed upon language. Let me let Representative Gray answer her intent. If I may?

DUTTON: Alright, that's fine.

REPRESENTATIVE GRAY: Mr. Dutton this was an effort to get at one of the issues that I was very concerned about in this bill, and that is the girl who is seeking this abortion perhaps because she is a victim of incest or perhaps because she is in a physically abusive relationship or perhaps because at the hands of her own family or parents she may suffer physical abuse. As I read through it, it is not specifically limited, but because it is in this particular bill, I am not sure that it goes out very far.

DUTTON: Well I just wondered, because it seems to me that since it talks about a minor and that what the bill talks about is a minor seeking an abortion, this seems to go far beyond the minor seeking an abortion and extends itself to any minor. When in fact, this minor in this section could be a male?

GRAY: That's probably true, Mr. Dutton. But I believe that only attorneys are exempted from having to report abuse when they learn about it. It would be in the prior text of the attorney-client privilege.

DUTTON: Right, but that is under current law.

GRAY: I think physicians are already required to report this abuse.

DUTTON: Right, but my point is that it seems to me that since this has gotten added to this bill, it perhaps, at least from the perspective of identifying the minor, it certainly broadens it to a minor who is not seeking an abortion?

GRAY: It can be interpreted that way, Mr. Dutton. My intent was that a minor who finds themselves in that position and needs something more than an abortion by way of assistance. An abortion is not going to solve that

child's problems, she needs some support and services and intervention on other levels, and that is what I was trying to get to in that section.

DUTTON: But I think you will agree with me that in regards to this section, though it can be any minor, it doesn't have to be a minor seeking an abortion and in fact it could be a minor who is a male?

GRAY: I'm sorry a minor who is what?

DUTTON: At least I think you would agree with me, that at least under Section 33.008, the minor doesn't have to be seeking an abortion and in fact the minor could be a male?

GRAY: That is correct.

REMARKS ORDERED PRINTED

Representative Dutton moved to print remarks by Representative Gray and Representative Dutton.

The motion prevailed without objection.

Amendment No. 1

Representative Wilson offered the following amendment to **SB 30**:

Amend **SB 30** on third reading as follows:

(1) In SECTION 1, in added Section 33.001, Family Code, insert new Subdivision (2) to read as follows and renumber subsequent subdivisions appropriately:

(2) "Clergy member" means a person who is an officer of a religious organization and who is authorized by the organization to conduct marriage ceremonies.

(2) In SECTION 1, in added Section 33.002 (a) (3), following the semicolon, strike "or".

(3) In SECTION 1, in added Section 33.002 (a) (4), between "exist" and the period, insert:

; or

(5) a clergy member certifies in writing to the physicians who is to perform the abortion that the clergy member has made the determination described by Section 33.011 (a) (1)

(4) In SECTION 1, following added Section 33.010, Family Code, insert the following:

Sec. 33.011. EVALUATION BY CLERGY MEMBER. (a) A physician may perform an abortion without providing notice under Section 33.002 if a clergy member:

(1) in the person's professional judgement, determines that the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to either of her parents or a managing conservator or guardian, that notification would not be in the best interest of the minor, or that notification may lead to physical, sexual, or emotional abuse of the minor; and

(2) certifies in writing to the physician who is to perform the abortion that the person has made the determination described by Subdivision (1).

(b) A physician who performs an abortion under this section shall include a copy of the certification described by Subsection (a) in the minor's medical record.

(c) A certification made under this section is confidential and privileged and is not subject to disclosure under Chapter 552, Government Code, or to discovery, subpoena, or other legal process.

(d) If the minor does not obtain the certification described by this section, the minor's right to proceed under Section 33.003 or 33.004 is not affected.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, on adjournment today, 2W.25, for a formal meeting.

SB 30 - (consideration continued)

Amendment No. 2

Representatives Bonnen and Edwards offered the following amendment to Amendment No. 1:

Amend the Wilson Amendment to **SB 30**, following added Section 33.011, Family Code, insert the following Sections to read as follows:

Sec. 33.012. RESTRICTIONS ON CLERGY MEMBERS WHO PERFORM EVALUATIONS. A clergy member may perform an evaluation under Section 33.011 only if:

(1) the clergy member is a member of a religious organization that has been in existence for more than 50 years;

(2) the clergy member is an officer of a religious organization that has been in existence for more than 10 years and is affiliated with a religious organization with a national or governing organization that has been in existence for more than 50 years; and

(3) the clergy member is the clergy member of the religious institution that both the minor and at least one of the minor's parents or managing conservator or gaurdian are members of.

Sec. 33.013. LIMITATION ON LIABILITY. A clergy member who provides an evaluation under Section 33.011 and the clergy member's affiliated religious institution are immune from any suit as a result of any determination made by the clergy member under Section 33.011.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representatives Bonnen and Edwards offered the following amendment to Amendment No. 1:

Amend the Wilson Amendment to **SB 30**, following added Section 33.011, Family Code, insert the following Sections to read as follows:

Sec. 33.012. RESTRICTIONS ON CLERGY MEMBERS WHO PERFORM EVALUATIONS. A clergy member may perform an evaluation under Section 33.011 only if:

(1) the clergy member is a member of a religious organization that has been in existence for more than 50 years;

(2) the clergy member is an officer of a religious organization that has been in existence for more than 10 years and is affiliated with a religious organization with a national or governing organization that has been in existence for more than 50 years; and

(3) the clergy member is the clergy member of the religious institution that both the minor and at least one of the minor's parents or managing conservator or guardian are members of.

Sec. 33.013. LIMITATION ON LIABILITY. A clergy member who provides an evaluation under Section 33.011 and the clergy member's affiliated religious institution are immune from any suit as a result of any determination made by the clergy member under Section 33.011.

SECTION _____. If Section 33.011, 33.012, or 33.013, Family Code, as added by this Act, or those sections' application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of the statute are severable.

Amendment No. 3 was adopted without objection.

A record vote was requested.

Amendment No. 1, as amended, failed of adoption by (Record 432): 69 Yeas, 70 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Bailey; Bonnen; Bosse; Burnam; Capelo; Chavez; Coleman; Cuellar; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Greenberg; Gutierrez; Hawley; Hinojosa; Hochberg; Hodge; Homer; Jones, J.; King, T.; Lengefeld; Lewis, G.; Luna; Maxey; McClendon; McReynolds; Merritt; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Solis, J.; Solis, J. F.; Telford; Thompson; Tillery; Turner, S.; Uher; Uresti; Van de Putte; Wilson; Wise; Yarbrough; Zbraneck.

Nays — Allen; Averitt; Berman; Brimer; Brown, B.; Brown, F.; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Crownover; Culberson; Davis, J.; Delisi; Denny; Eiland; Elkins; George; Goolsby; Gray; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Junell; Keel; Keffe; King, P.; Krusee; Kuempel; Lewis, R.; Longoria; Madden; Marchant; McCall; Morrison; Mowery; Palmer; Pitts; Reyna, E.; Seaman; Shields; Siebert; Smith; Solomons; Staples; Swinford; Talton; Truitt; Turner, B.; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Absent — Carter; Goodman; Ramsay; Wolens.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 432. I intended to vote no.

Alvarado

I was shown voting yes on Record No. 432. I intended to vote no.

Bosse

When Record No. 432 was taken, my vote failed to register. I would have voted no.

Goodman

Amendment No. 4

Representative Chavez offered the following amendment to **SB 30**:

Amend **SB 30** on third reading in SECTION 1, following added Section 33.010, Family Code, by adding new Section 33.011 to read as follows:

Sec. 33.011. INFORMATION RELATING TO JUDICIAL BYPASS. The Texas Department of Health shall produce and distribute informational materials that explain the rights of a minor under this chapter. The materials must explain the procedures established by Sections 33.003 and 33.004 and must be made available in English and in Spanish. The material provided by the department shall also provide information relating to alternatives to abortion and health risks associated with abortion.

Amendment No. 4 was adopted without objection.

SB 30, as amended, was passed. (Deshotel and Junell recorded voting yes; Danburg, Dutton, and Farrar no; Gutierrez, present, not voting)

GENERAL STATE CALENDAR (consideration continued)

SB 1438 ON SECOND READING (Wilson - House Sponsor)

SB 1438, A bill to be entitled An Act relating to a pilot project transferring certain professional and occupational licensing boards to self-directed semi-independent status; making an appropriation.

Representative Wilson moved to postpone consideration of **SB 1438** until 10 a.m. Monday, May 24.

The motion prevailed without objection.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Y. Davis requested permission for the Committee on Local and Consent Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Local and Consent Calendars, 6:30 p.m. today, speakers committee room, for a formal meeting.

CSSB 1603 ON SECOND READING (Ramsay - House Sponsor)

CSSB 1603, A bill to be entitled An Act relating to the receipt and expenditure of revenue derived from the municipal hotel occupancy tax.

CSSB 1603 was passed to third reading.

SB 1321 ON SECOND READING
(Junell - House Sponsor)

SB 1321, A bill to be entitled An Act relating to the settlement and collection of taxes and penalties and interest on taxes, refunds, and credits.

SB1321 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GOODMAN: Chairman Junell, for purposes of legislative intent, as author of SB1321, is it your intent in the provisions of SB 1321 for the comptroller to charge interest on delinquent taxes and pay interest on refunds or overpayments or applicable to taxes imposed and collected under the authority granted by the Texas Insurance Code?

REPRESENTATIVE JUNELL: Yes.

REMARKS ORDERED PRINTED

Representative Goodman moved to print remarks by Representative Junell and Representative Goodman.

The motion prevailed without objection.

SB 1321 was passed to third reading.

CSSB 956 ON SECOND READING
(Eiland and Seaman - House Sponsors)

CSSB 956, A bill to be entitled An Act relating to the regulation of certain insurance agents and to the consolidation of insurance agent licenses; providing penalties.

Amendment No. 1

Representative Eiland offered the following amendment to **CSSB 956**:

Amend **CSSB 956** as follows:

(1) In SECTION 1.01 of the bill, strike Section 3(a)(19) of amended Article 21.01, Insurance Code (page 2, lines 26-27, House committee report printing), and substitute the following:

(19) a specialty license program established under state law.

(2) In SECTION 1.10 of the bill, in Section 1A of amended Article 21.07, Insurance Code, strike Subdivision (2) of that section (page 27, lines 22-27, and page 28, lines 1-5, House committee report printing) and substitute the following:

(2) "Bank" means:

(A) a national banking association organized and existing under the National Bank Acts (12 U.S.C. Section 21 et seq.);

(B) a state bank organized and existing under Subtitle A, Title 3, Finance Code;

(C) a state savings bank organized under or subject to Subtitle C, Title 3, Finance Code;

(D) a bank branch;

(E) a bank operating subsidiary, as defined by state or federal law;

(F) a savings and loan association organized and existing under Subtitle B, Title 3, Finance Code; or

(G) a federal savings and loan association or federal savings bank.

(3) In SECTION 1.11 of the bill, strike Section 2(u) of amended Article 21.07, Insurance Code (page 43, lines 18-22, House committee report printing), and substitute the following:

(u) If a license holder does not maintain the qualifications necessary to obtain the license, the department shall revoke or suspend the license or deny the renewal of the license in accordance with Article 21.01-2 of this code.

(4) In SECTION 2.01 of the bill, strike Section 3 of added Article 21.07-1, Insurance Code (page 59, lines 3-8, House committee report printing), and substitute the following:

Sec. 3. AUTHORITY TO WRITE ADDITIONAL PRODUCT LINES. A person who holds a general life, accident, and health license issued under the requirements of this subchapter may, without obtaining an additional license, write additional types of insurance contracts as provided under:

(1) Sections 4, 5, and 6 of this article; or

(2) a specialty license program established under state law.

(5) In SECTION 2.01 of the bill, strike Section 4(b) of added Article 21.07-1, Insurance Code (page 59, lines 12-27, and page 60, lines 1-16, House committee report printing), and substitute the following:

(b) This section applies to:

(1) an agent for an insurance company that writes only job protection insurance;

(2) an agent writing policies or riders to policies that provide only:

(A) lump-sum cash benefits in the event of accidental death, death by accidental means, or dismemberment; or

(B) ambulance expense benefits in the event of accident or sickness;

(3) an agent writing prepaid legal services contracts under Article 5.13-1 or Chapter 23 of this code;

(4) an agent writing credit insurance except as otherwise provided under a specialty license program established under state law; and

(5) an agent writing any other type of insurance required by the commissioner to be licensed for the protection of the insurance consumers of this state.

(6) In SECTION 2.01 of the bill, strike Section 4(d) of added Article 21.07-1, Insurance Code (page 60, lines 21-27, and page 61, lines 1-8, House committee report printing), and reletter the subsequent subsections of that section accordingly.

(7) In SECTION 2.01 of the bill, in Section 6(a) of added Article 21.07-1, Insurance Code (page 63, line 10, House committee report printing), strike "commissioner shall issue a license" and substitute "commissioner shall issue a license".

(8) In SECTION 2.01 of the bill, add a new Subsection (e) to Section 6, Article 21.07-1, Insurance Code (page 64, between lines 12 and 13, House committee report printing), as follows:

(e) A license is not required under this section for an agent who wrote policies that generated, in the aggregate, less than \$20,000 in direct premium for the preceding calendar year.

(9) In SECTION 2.01 of the bill, redesignate Subsection (e), Section 6, Article 21.07-1, Insurance Code (page 64, line 13, House committee report printing), as Subsection (f).

(10) In SECTION 3.01 of the bill, strike Section 3 of amended Article 21.14, Insurance Code (page 65, lines 22-26, House committee report printing), and substitute the following:

Sec. 3. AUTHORITY TO WRITE ADDITIONAL PRODUCT LINES. A person who holds a general property and casualty license issued under this subchapter may write additional types of insurance contracts as provided under:

(1) Sections 6 and 9 of this article; or

(2) a specialty license program established under state law.

(11) In SECTION 3.01 of the bill, strike Section 6(a)(6) of amended Article 21.14, Insurance Code (page 67, lines 19-21, House committee report printing), and substitute the following:

(6) an agent writing credit insurance, except as otherwise provided by a specialty license program established under state law.

(12) In SECTION 4.01 of the bill, strike Section 1(d) of amended Article 21.11, Insurance Code (page 113, lines 6-12, House committee report printing), and substitute the following:

~~(d) The [(b) An applicant for issuance of a license under this section must meet the requirements for issuance of a license under Article 21.14 of this code, except that the]~~ department may [shall] waive any ~~[of those]~~ license requirements for an applicant with a valid license from another state or jurisdiction if:

(1) that state or jurisdiction has license requirements substantially equivalent to those of this state; or

(2) the waiver is necessary to promote uniformity among the various states in regard to insurance agent licensing requirements.

Amendment No. 2

Representative B. Turner offered the following amendment to Amendment No. 1:

Amend paragraph (8) of the pending Floor Amendment No. 1 to **CSSB 956**, House committee printing, to read as follows:

"(8) In SECTION 2.01 of the bill, insert a new Section 6 (e) of added Article 21.07-1, Insurance Code (page 64, lines 13-15, House committee report printing), and renumber the remaining subsections accordingly, to read as follows:

(e) A license is not required under this section for an agent who, in the preceding calendar year, wrote policies that generated, in the aggregate, less than \$20,000 in direct premium."

Amendment No. 2 was adopted without objection.

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

Amendment No. 3

Representative Uher offered the following amendment to **CSSB 956**:

Amend **CSSB 956**, in SECTION 1.02 of the bill, by striking added Section 3(d), Article 21.01-1, Insurance Code (page 10, lines 18-22, house committee report printing), and substituting the following:

(d) An individual who has continuously held a license issued under this code to operate as an insurance agent for 20 years is exempt from the continuing education requirements of this section. The commissioner by rule may provide for other reasonable exemptions.

Amendment No. 3 was adopted without objection.

Amendment No. 4

On behalf of Representatives Cook and Eiland, Representative Counts offered the following amendment to **CSSB 956**:

Amend **CSSB 956** by adding a new Subsection (4) after line 7 on page 67; renumber subsequent sections appropriately; said new subsection to read as follows:

"(4) exclusively all forms of insurance authorized to be solicited and written in this state that relate to the ownership, occupancy, maintenance or use of a manufactured home that is classified as personal property under Section 2.001, Property Code."

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Counts offered the following amendment to **CSSB 956**:

Amend **CSSB 956**, SECTION 1.11, page 33, line 20, by deleting entirely all of Subsections (g) and (h) therefrom, and renumbering the remaining subsections.

Representative Seaman moved to table Amendment No. 5.

The motion to table was lost.

Amendment No. 5 was adopted.

CSSB 956, as amended, was passed to third reading.

CSSB 560 - COMMITTEE ON CALENDARS RULED ADOPTED

Representative Telford proposed the following rule for floor consideration of **CSSB 560**:

Pursuant to House Rule 3, Section 4(2), and House Rule 6, Section 16(f), the Committee on Calendars proposes the adoption of the following rule governing floor consideration of **CSSB 560**:

All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk by 5 p.m. on Sunday, May 23, 1999.

The motion prevailed without objection.

SB 215 ON SECOND READING (Averitt - House Sponsor)

SB 215, A bill to be entitled An Act relating to the liability of certain health care providers.

SB 215 was passed to third reading.

SB 590 ON SECOND READING

(Rangel, Luna, Seaman, Capelo, and Salinas - House Sponsors)

SB 590, A bill to be entitled An Act relating to the establishment of The Texas A&M University System Coastal Bend Health Education Center.

Amendment No. 1 (Committee Amendment No. 1)

Representative Rangel offered the following committee amendment to **SB 590**:

Amend **SB 590** by adding the following appropriately numbered SECTION and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Not later than August 31, 2000, the Texas Higher Education Coordinating Board shall prepare an impact statement examining the initial implementation of this Act and shall deliver a copy of the statement to the board of regents of The Texas A&M University System and to the chairs of the standing committees of each house of the legislature with primary jurisdiction over higher education.

Amendment No. 1 was adopted without objection.

SB 590, as amended, was passed to third reading.

SB 558 ON SECOND READING

(Garcia - House Sponsor)

SB 558, A bill to be entitled An Act relating to training requirements for certain child-care providers.

Representative Junell moved to postpone consideration of **SB 558** until 10 a.m. Monday, May 24.

The motion prevailed without objection.

SB 707 ON SECOND READING

(Kuempel - House Sponsor)

SB 707, A bill to be entitled An Act relating to an exemption from sand and gravel permit requirements.

SB 707 was passed to third reading.

SB 913 ON SECOND READING

(Oliveira and Flores - House Sponsors)

SB 913, A bill to be entitled An Act relating to the establishment and maintenance of one-stop border inspection stations by the Texas Department of Transportation in Brownsville, Laredo, and El Paso.

Amendment No. 1

Representatives Oliveira, Alexander, Junell, and Pickett offered the following amendment to **SB 913**:

Amend **SB 913** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter H, Chapter 201, Transportation Code, is amended by adding Section 201.613 to read as follows:

Sec. 201.613. ONE-STOP BORDER INSPECTION STATIONS. (a) The department may establish one or more inspection stations at or near a border crossing from Mexico so that all state agencies that regulate the passage of motor vehicles into the state may be located in one place in proximity to federal agencies that regulate imports, exports, and commercial motor vehicles at border crossings.

(b) The department may enter an agreement with a federal or state agency to accomplish the purpose of Subsection (a). The agreement may:

(1) provide for the construction of new facilities or the expansion of existing facilities to accommodate the state agencies;

(2) allocate maintenance responsibilities to the state agencies located in the inspection station; or

(3) involve the lease of space in an inspection station by the department to a participating state agency.

(c) The department shall seek any available federal funding for the construction and maintenance of an inspection station under this section, including funds available under the federal Transportation Equity Act for the 21st Century. Notwithstanding Section 222.001, the department may spend any federal funds obtained under this section and any required state matching funds for the construction or maintenance of an inspection station.

(d) The department may impose a charge on a state agency located in an inspection station in an amount necessary to recover all or any portion of the costs of the construction or maintenance of the inspection station. Money received by the department under this section shall be deposited to the credit of the state highway fund.

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

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

Amendment No. 1 was adopted without objection.

SB 913, as amended, was passed to third reading.

CSSB 89 ON SECOND READING

(Bosse, Hilbert, Crabb, and Krusee - House Sponsors)

CSSB 89, A bill to be entitled An Act relating to municipal annexation; providing penalties.

Representative Bosse moved to postpone consideration of **CSSB 89** until 9 a.m. Monday, May 24.

The motion prevailed without objection.

SB 23 ON SECOND READING

(Naishtat - House Sponsor)

SB 23, A bill to be entitled An Act relating to the duration of certain emergency protection orders issued by magistrates.

Amendment No. 1

Representative Naishtat offered the following amendment to **SB 23**:

Amend **SB 23** as follows:

- (1) On page 1, line 9, strike "until" and substitute "up to".
- (2) On page 1, line 10, between "day" and "after", add "but not less than 31 days".

Amendment No. 1 was adopted without objection.

SB 23, as amended, was passed to third reading.

CSSB 103 ON SECOND READING
(Grusendorf, et al. - House Sponsors)

CSSB 103, A bill to be entitled An Act relating to state assessments of public school students.

Representative Grusendorf moved to postpone consideration of **CSSB 103** until 7:30 p.m. today.

The motion prevailed without objection.

SB 260 ON SECOND READING
(Delisi, et al. - House Sponsors)

SB 260, A bill to be entitled An Act relating to the expulsion of a public school student who assaults a school employee or volunteer.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hochberg, Representative Delisi offered the following committee amendment to **SB 260**:

Amend **SB 260** on page 2, line 6 by adding "3" after "Subsection (b)".

Amendment No. 1 was adopted without objection.

SB 260, as amended, was passed to third reading.

SB 1578 ON SECOND READING
(Goodman - House Sponsor)

SB 1578, A bill to be entitled An Act relating to the creation of a statewide law enforcement gang resource system.

Amendment No. 1

Representative Goodman offered the following amendment to **SB 1578**:

Amend **SB 1578** in SECTION 1 of the bill as follows:

(1) In added Article 61.08 (a), Code of Criminal Procedure, strike "law enforcement agencies" and substitute "criminal justice agencies and juvenile justice agencies" (page 1, line 8, house committee printing).

(2) In added Article 61.08 (a), Code of Criminal Procedure, strike "system shall include" and substitute "system may include" (page 1, line 9, house committee printing).

(3) In added article 61.08 (b), Code of Criminal Procedure, strike "law

enforcement agencies" and substitute "criminal justice agencies and juvenile agencies" (page 1, lines 18-19, house committee printing).

(4) In added Article 61.08 (c), Code of Criminal Procedure, strike "law enforcement agencies" and substitute "criminal justice agencies and juvenile justice agencies" (page 1, line 24, house committee printing).

(5) In added Article 61.08 (f), Code of Criminal Procedure, strike "law enforcement personnel" and substitute "criminal justice agency personnel and juvenile justice agency personnel" (page 2, line 10, house committee printing).

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 1)

Representative Goodman offered the following committee amendment to **SB 1578**:

Amend **SB 1578** as follows:

In SECTION 1 of the bill, on page 1, lines 37, 38 and 39, delete the following in Article 61.08(e) Code of Criminal Procedure:

"shall not be included in affidavits or subpoenas or used in connection with any other legal or judicial proceedings."

and insert in lieu thereof the following:

"may be included in affidavits or subpoenas or used in connection with any other legal or judicial proceeding only if the information from the system is corroborated by information not provided or maintained in the system."

Amendment No. 1 was adopted without objection.

SB 1578, as amended, was passed to third reading.

SB 1514 ON SECOND READING

(Averitt - House Sponsor)

SB 1514, A bill to be entitled An Act relating to contracts for the use of inmate labor and the labor of persons placed on community supervision for state highway system improvement projects.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Farrar, Representative Averitt offered the following committee amendment to **SB 1514**:

Amend **SB 1514** (Senate Engrossment) by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION __. Section 223.044, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A contract with a private correctional facility under this section may not provide for the transfer of public funds to the private correctional facility for the use of inmate labor.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Junell offered the following amendment to **SB 1514**:

Amend **SB 1514** by adding the following appropriately numbered SECTION and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 223.044, Transportation Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The commission may authorize the department to contract with the Texas Department of Criminal Justice for the provision of inmate labor or the labor of persons placed on community supervision for a brush control project, as defined by section 203.001, Agriculture Code, on an area located on or adjacent to a state highway system improvement project.

(f) The State Soil and Water Conservation Board may also enter into a contract with the Texas Department of Criminal Justice for the provision of inmate labor or for the labor of persons placed on community supervision to perform a brush control project described by Subsection (e) or under Chapter 203, Agriculture code.

Amendment No. 2 was adopted without objection.

SB 1514, as amended, was passed to third reading.

CSSB 1074 ON SECOND READING
(Averitt and Driver - House Sponsors)

CSSB 1074, A bill to be entitled An Act relating to the licensing of mortgage brokers; providing penalties.

Amendment No. 1

Representative Averitt offered the following amendment to **CSSB 1074**:

Amend **CSSB 1074** by striking subsection (b) in SECTION 2 of the bill, proposed Section 156.201 (b), Finance Code (House Committee Report, page 8, lines 26-27, and page 9, lines 1-3), and adding the following:

(b) An individual may not act or attempt to act as a loan officer unless the individual at the time is:

(1) licensed under this chapter;

(2) sponsored by a licensed mortgage broker and acting for the mortgage broker; or

(3) exempt under Section 156.202.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Averitt offered the following amendment to **CSSB 1074**:

Amend **CSSB 1074** as follows:

(1) In SECTION 2 of the bill, in proposed Section 156.204(a)(4), Finance Code (House Committee Report, page 11, lines 16-20), strike Paragraph (B) and substitute the following:

(B) the person is licensed in this state as:

(i) an active real estate broker under The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes);

(ii) an active attorney; or

(iii) a local recording agent or insurance solicitor or agent for a legal reserve life insurance company under Chapter 21, Insurance Code, or the equivalent licenses under Chapter 21, Insurance Code; or

(2) In SECTION 2 of the bill, in proposed Section 156.208(a)(3), Finance Code (House Committee Report, page 16, lines 4 and 5), strike Paragraph (B) and substitute the following:

(B) maintains an active license in this state as:

(i) a real estate broker;

(ii) a real estate salesperson;

(iii) an attorney; or

(iv) a local recording agent or insurance solicitor or agent for a legal reserve life insurance company under Chapter 21, Insurance Code, or the equivalent licenses under Chapter 21, Insurance Code.

(3) In SECTION 2 of the bill, in proposed Section 156.208(b)(3), Finance Code (House Committee Report, page 16, lines 24 and 25), strike Paragraph (B) and substitute the following:

(B) maintains an active license in this state as:

(i) a real estate broker;

(ii) a real estate salesperson;

(iii) an attorney; or

(iv) a local recording agent or insurance solicitor or agent for a legal reserve life insurance company under Chapter 21, Insurance Code, or the equivalent licenses under Chapter 21, Insurance Code.

Amendment No. 2 was adopted without objection.

SB 1074, as amended, was passed to third reading.

CSSB 957 ON SECOND READING (Eiland and Seaman - House Sponsors)

CSSB 957, A bill to be entitled An Act relating to the licensing of certain persons who provide services related to the business of insurance.

Amendment No. 1

Representative Eiland offered the following amendment to **CSSB 957**:

Amend **CSSB 957**, in SECTION 1.01 of the bill, in Section 1(d) of added Article 21.09, Insurance Code, by striking the first sentence of that subsection (page 2, lines 22-24, House committee report printing), and substituting the following:

A person licensed under this article may not allow an individual to act on the license holder's behalf with respect to the specific type of insurance that the license holder is authorized to offer unless that individual has completed an approved training program.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Averitt offered the following amendment to **CSSB 957**:

Amend **CSSB 957** as follows:

(1) In SECTION 1.01, in added Article 21.09, Insurance Code, following added Section 5 of the article (house committee printing, page 13, between lines 7 and 8), insert the following new Section 6:

Sec. 6. FUNERAL PREARRANGEMENT LIFE INSURANCE LICENSE.

(a) In this section, "funeral establishment" means a place of business used in the care and preparation for burial or transportation of dead human bodies, or any place at which one or more persons, either as sole owner, in copartnership, or through corporate status, are engaged, or represent themselves to be engaged, in the business of embalming or funeral directing.

(b) Notwithstanding any other provision of this article or this code, the commissioner may issue a funeral prearrangement life insurance agent's specialty license under Section 1 of this article to a funeral establishment that complies with this section only for the limited purposes set forth in this section.

(c) A funeral prearrangement life insurance agent may write only life insurance policies and fixed annuity contracts to secure delivery of funeral services and merchandise under prepaid funeral contracts regulated by the Texas Department of Banking under Chapter 154, Finance Code. A funeral prearrangement life insurance agent may not act as an agent for an insurance company unless the agent acts under the supervision of a person, including a corporation, who holds or is an authorized representative of a holder of a permit issued by the Texas Department of Banking regulated under Chapter 154, Finance Code.

(d) A funeral prearrangement life insurance agent and the agent's employees may not:

(1) write any coverage or combination of coverages with an initial guaranteed death benefit in excess of \$15,000 on any life; or

(2) act as an agent for more than one insurance company.

(2) In SECTION 1.01, in added Article 21.09, Insurance Code (house committee printing, page 13, line 8), renumber existing Section 6 of the article as Section 7.

(3) In SECTION 5.01, at the end of Subdivision (2), following the semicolon (house committee printing, page 26, line 1), strike "and".

(4) In SECTION 5.01 (house committee printing, page 26, between lines 1 and 2) insert the following new Subdivision (3) and renumber the subsequent subdivision accordingly:

(3) Section 5A, Chapter 213, Acts of the 54th Legislature, Regular Session, 1955 (Article 21.07-1, Vernon's Texas Insurance Code); and

(5) In SECTION 6.02 (house committee printing, page 26, lines 7-17), strike Subsection (a), substitute the following new Subsections (a) and (b), and reletter subsequent subsections appropriately:

(a) Not later than January 1, 2000, the Texas Department of Insurance shall issue an appropriate license under Article 21.09, Insurance Code, as added by this Act, to a person who, immediately before the effective date of

this Act, holds an agent license issued by the Texas Department of Insurance under:

(1) Section 21, Article 21.07, Insurance Code, as added by Chapter 820, Acts of the 75th Legislature, Regular Session, 1997;

(2) Section 21, Article 21.07, Insurance Code, as added by Chapter 1196, Acts of the 75th Legislature, Regular Session, 1997; or

(3) Section 5A, Chapter 213, Acts of the 54th Legislature, Regular Session, 1955 (Article 21.07-1, Vernon's Texas Insurance Code).

(b) On issuance of the new license under Subsection (a) of this section, the license holder is subject to Article 21.09, Insurance Code, as added by this Act.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Seaman offered the following amendment to **CSSB 957**:

Amend **CSSB 957** in SECTION 1.01 of ARTICLE 1 of the bill, in added Article 21.09, Insurance Code, as follows:

(1) In Section 1(d), in the second sentence (house committee printing, page 2, lines 24-26), strike "The training program must be submitted to the commissioner for approval before the training program is used and" and substitute "An insurer that writes the specific type of insurance for which the specialty license is sought must provide the materials for the training program to the license holder. The insurer must submit the training program to the commissioner for approval before the training program is used. The training program".

(2) In Section 4(c)(4) (house committee printing, page 11, line 20), strike "\$100,000" and substitute "\$150,000".

Amendment No. 3 was adopted without objection.

CSSB 957, as amended, was passed to third reading.

POSTPONED BUSINESS

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

CSSB 103 ON SECOND READING (Grusendorf, et al. - House Sponsors)

CSSB 103, A bill to be entitled An Act relating to state assessments of public school students.

CSSB 103 was read second time earlier today and was postponed until this time.

Representative Grusendorf moved to postpone consideration of **CSSB 103** until 10 a.m. Monday, May 24.

The motion prevailed without objection.

SB 8 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Goodman, the house granted the request of the senate for the appointment of a conference committee on **SB 8**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 8**: Goodman, chair, Pickett, G. Lewis, A. Reyna, and Truitt.

**SB 61 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Clark, the house granted the request of the senate for the appointment of a conference committee on **SB 61**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 61**: Clark, chair, Uresti, Christian, Hilderbran, and Maxey.

**SB 138 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hochberg, the house granted the request of the senate for the appointment of a conference committee on **SB 138**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 138**: Hochberg, chair, Smith, Dunnam, Wolens, and Smithee.

**SB 370 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Bosse, the house granted the request of the senate for the appointment of a conference committee on **SB 370**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 370**: Bosse, chair, Gray, McCall, B. Turner, and Wilson.

**SB 1230 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Bosse, the house granted the request of the senate for the appointment of a conference committee on **SB 1230**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1230**: Thompson, chair, Tillery, J. Solis, Hinojosa, and Deshotel.

**SJR 12 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hochberg, the house granted the request of the senate for the appointment of a conference committee on **SJR 12**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SJR 12**: Hochberg, chair, Wolens, Greenberg, Pitts, and Averitt.

SB 445 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Gray submitted the conference committee report on **SB 445**.

Representative Gray moved to adopt the conference committee report on **SB 445**.

The motion prevailed without objection. (Berman recorded voting no.)

HB 82 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative G. Lewis called up with senate amendments for consideration at this time,

HB 82, A bill to be entitled An Act relating to the method by which a county reconstitutes the jury wheel and to the selection and service of jurors in certain counties.

On motion of Representative G. Lewis, the house concurred in the senate amendments to **HB 82**.

Senate Committee Substitute

CSHB 82, A bill to be entitled An Act relating to the method by which a county reconstitutes the jury wheel, to the duty of the Department of Public Safety to remove certain names from a list used to reconstitute the jury wheel, and to the selection and service of jurors in certain counties.

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

SECTION 1. Section 62.001, Government Code, is amended by amending Subsections (f) and (i) and adding Subsection (j) to read as follows:

(f) The Department of Public Safety shall furnish a list to the secretary of state that shows the names required under Subsection (a)(2) and that contains any of the information enumerated in Subsection (c) that is available to the department, including citizenship status and county of residence. The list shall exclude the names of convicted felons, persons who are not citizens of the United States, [and] persons residing outside the county, and the duplicate name of any registrant. The department shall furnish the list to the secretary of state on or before the first Monday in October of each year.

(i) ~~The [In a county with a population of less than 105,000 in which the municipality with the largest population is located in more than one county, the]~~ commissioners court may, instead of using the method provided by Subsections (c) through (h), contract with another governmental unit or a private person to combine the voter registration list with the list furnished by the Department of Public Safety. Subsections (c) through (h) do not apply to a county in which the commissioners court has contracted with another governmental unit or a private person under this subsection. The Department of Public Safety may not charge a fee for furnishing a list under this subsection. Each list must contain the name, date of birth, [and] address, county of residence, and citizenship status of each person listed. If practical, each list must contain ~~[the age and citizenship of each person and]~~ any other information useful in determining if the person is qualified to serve as a juror.

(j) Notwithstanding Subsection (a), in a county with a population of 250,000 or more, the names of persons who are summoned for jury service in the county and who appear for service must be removed from the jury

wheel and may not be maintained in the jury wheel until the third anniversary of the date the person appeared for service or until the next date the jury wheel is reconstituted, whichever date occurs earlier. This subsection applies regardless of whether the person served on a jury as a result of the summons.

SECTION 2. Section 62.106, Government Code, is amended to read as follows:

Sec. 62.106. EXEMPTION FROM JURY SERVICE. (a) A person qualified to serve as a petit juror may establish an exemption from jury service if the person:

(1) is over 70 years of age;

(2) has legal custody of a child ~~[or children]~~ younger than 10 years of age and the person's service on the jury requires leaving the child ~~[or children]~~ without adequate supervision;

(3) is a student of a public or private secondary school;

(4) is a person enrolled and in actual attendance at an institution of higher education;

(5) is an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;

(6) is summoned for service in a county with a population of at least 200,000, unless that county uses a jury plan under Section 62.011 and the period authorized under Section 62.011(b)(5) exceeds two years, and the person has served as a petit juror in the county during the 24-month period preceding the date the person is to appear for jury service; ~~[or]~~

(7) is the primary caretaker of a person who is an invalid unable to care for himself; or

(8) except as provided by Subsection (b), is summoned for service in a county with a population of at least 250,000 and the person has served as a petit juror in the county during the three-year period preceding the date the person is to appear for jury service.

(b) Subsection (a)(8) does not apply if the jury wheel in the county has been reconstituted after the date the person served as a petit juror.

SECTION 3. Section 521.142(c), Transportation Code, is amended to read as follows:

(c) The application must state:

(1) the sex of the applicant;

(2) the residence address of the applicant;

(3) whether the applicant has been licensed to drive a motor vehicle before;

(4) if previously licensed, when and by what state or country;

(5) whether that license has been suspended or revoked or a license application denied; ~~[and]~~

(6) the date and reason for the suspension, revocation, or denial;

(7) whether the applicant is a citizen of the United States; and

(8) the county of residence of the applicant.

SECTION 4. Section 521.1425, Transportation Code, is amended to read as follows:

Sec. 521.1425. INFORMATION REQUIRED TO BE FURNISHED TO DEPARTMENT. (a) Except as provided by Subsection (b), the [The] department may require each applicant for an original, renewal, or duplicate driver's license to furnish to the department the information required by Section 521.142.

(b) The department shall require each applicant for an original, renewal, or duplicate driver's license to furnish to the department the information required by Sections 521.142(c)(7) and (8).

SECTION 5. This Act takes effect September 1, 1999.

SECTION 6. The changes in law made by this Act apply only to a person summoned to appear for jury service on or after the effective date of this Act.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HB 156 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 156, A bill to be entitled An Act relating to the application of the open meetings law to certain gatherings at which a governmental body receives information from third persons, including government employees.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 156**.

Senate Amendment No. 1

Amend **HB 156**, in SECTION 1 of the bill, amended Section 551.001(4), Government Code (Senate Committee Printing, page 1, lines 41 through 44), by striking the following:

The term does not include a gathering described by Paragraph (B) that is conducted by the Texas Transportation Commission or for which the Texas Transportation Commission is responsible.

Senate Amendment No. 2

Amend **HB 156**, in SECTION 2 of the bill, amended Section 551.075(a)(1), Government Code (page 1, lines 56 through 58, Senate Committee Printing), by striking "potential investment by the Texas growth fund in a private business entity, if disclosure of the information would give advantage to a competitor; or" and substituting: "potential investment by the Texas growth fund in:

(A) a private business entity, if disclosure of the information would give advantage to a competitor; or

(B) a business entity whose securities are publicly traded, if the investment or potential investment is not required to be registered under the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.), and its

subsequent amendments, and if disclosure of the information would give advantage to a competitor; or".

**HB 211 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

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

Representative Hochberg 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 211**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 211**: Hochberg, chair, Greenberg, Dunnam, Smith, and Lengefeld.

**HB 564 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 564, A bill to be entitled An Act relating to a border advocacy division established by the governor.

Representative Oliveira 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 564**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 564**: Oliveira, chair, Pickett, Cuellar, Gallego, and Chavez.

**HB 597 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 597, A bill to be entitled An Act relating to preference to Texas and United States products in purchasing by school districts.

Representative Oliveira 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 597**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 597**: Flores, chair, McReynolds, Hinojosa, Cook, and Chisum.

HB 820 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 820, A bill to be entitled An Act relating to review of certain children's continued eligibility for medical assistance.

On motion of Representative Naishtat, the house concurred in the senate amendments to **HB 820** by (Record 433): 138 Yeas, 0 Nays, 2 Present, not voting. (The vote was later reconsidered, and the house concurred in the senate amendments to **HB 820** by a voice vote.)

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

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

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Absent — Alvarado; Elkins; Kuempel; Shields.

STATEMENT OF VOTE

When Record No. 433 was taken, I was in the house but away from my desk. I would have voted no.

Shields

Senate Amendment No. 1

Amend **HB 820** as follows:

(1) In SECTION 1 of the bill, in added Section 32.0251, Human Resources Code (committee printing, page 1, line 14), between "ELIGIBILITY" and "REVIEW", insert "NOTIFICATION AND".

(2) In SECTION 1 of the bill, in added Section 32.0251, Human Resources Code (committee printing, page 1, lines 23-26), strike Subsection (b) and substitute the following:

(b) If the review required by this section indicates that the child may be eligible for medical assistance on a basis other than receipt of financial assistance under Chapter 31, the department may provide for provisional eligibility for medical assistance for the child pending a recertification review. The provisional eligibility period authorized by this subsection may not exceed one month.

(c) In addition to the review required by this section, the department shall also promote continued medical assistance for a child described by Subsection (a) through:

(1) revising client education and notification policies relating to a child's eligibility for medical assistance; and

(2) providing specific notification of a child's potential eligibility for medical assistance to the child's parent or other caretaker at the time the parent or caretaker is notified of:

(A) a scheduled eligibility recertification review; or

(B) the termination of financial assistance.

Senate Amendment No. 2

Amend **HB 820**, 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 1151 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1151, A bill to be entitled An Act relating to the continuation and functions of the Office for the Prevention of Developmental Disabilities.

On motion of Representative McCall, the house concurred in the senate amendments to **HB 1151**.

Senate Amendment No. 1

Amend **HB 1151** (senate committee report) as follows:

(1) Insert a new Section 1 of the bill (on page 1, between lines 10 and 11) to read as follows:

SECTION 1. Section 112.043, Human Resources Code, is amended to read as follows:

Sec. 112.043. OFFICE FOR THE PREVENTION OF DEVELOPMENTAL DISABILITIES; ADMINISTRATIVE ATTACHMENT. (a) The Office for the Prevention of Developmental Disabilities is administratively attached to the Texas Department of Mental Health and Mental Retardation [established].

(b) The Texas Department of Mental Health and Mental Retardation shall:

(1) provide administrative assistance, services, and materials to the office;

(2) accept, deposit, and disburse money made available to the office;

(3) accept gifts and grants on behalf of the office from any public or private entity;

(4) pay the salaries and benefits of the executive director and staff of the office;

(5) reimburse the travel expenses and other actual and necessary expenses of the executive committee, executive director, and staff of the office incurred in the performance of a function of the office, as provided by the General Appropriations Act;

(6) apply for and receive on behalf of the office any appropriations, gifts, or other money from the state or federal government or any other public or private entity, subject to limitations and conditions prescribed by legislative appropriation;

(7) provide the office with adequate computer equipment and support; and

(8) provide the office with adequate office space and permit the executive committee to meet in facilities of the department.

(c) The executive director and staff of the office are employees of the office and not employees of the Texas Department of Mental Health and Mental Retardation.

(2) In Section 3 of the bill, at the end of amended Section 112.052, Human Resources Code (page 2, line 69), insert the following:

In its review, the Sunset Commission shall specifically address the issue of whether the office should continue to be administratively attached to the Texas Department of Mental Health and Mental Retardation or whether the functions of the office should be transferred to that department.

(3) Renumber the sections of the bill accordingly.

HB 1194 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

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

On motion of Representative B. Turner, the house concurred in the senate amendments to **HB 1194**.

Senate Committee Substitute

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

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

SECTION 1. (a) GOALS OF SYSTEM. The statewide rural health care system established under Chapter 20C, Insurance Code, is designed to incorporate consumer-oriented attributes considered important to a successful

health care organization. These attributes include consideration of patient rights, preservation of patient rights, preservation of the physician-patient relationship, emphasis on prevention and wellness, an appropriate credentialing and peer review program, and emphasis on quality improvement, including obtaining accreditation.

(b) **PATIENT RIGHTS POLICIES.** The statewide rural health care system is intended to incorporate patient-focused considerations that include:

- (1) open communication;
- (2) informed consent;
- (3) protection of confidentiality and privacy;
- (4) full disclosure of program policies and procedures to patients and providers;
- (5) coverage of emergency care;
- (6) disclosure of compensation arrangements with providers; and
- (7) efficient appeal of coverage decisions.

(c) **PATIENT-PHYSICIAN RELATIONSHIP.** The statewide rural health care system is intended to preserve significant traditional and ethical relationships between a patient and the patient's health care provider by ensuring that:

- (1) medical management does not intrude on the delivery of quality patient care;
- (2) the process of making health care decisions remains a matter between a patient and the patient's health care provider; and
- (3) nothing in the system will place a health care provider in an adverse relationship with a patient.

(d) **PUBLIC HEALTH AND PREVENTION.** The statewide rural health care system is intended to use incentives to promote healthy communities and individuals by using a public health model that focuses on health promotion, illness prevention, patient self-care education, and incentives that encourage positive health behavior.

(e) **CREDENTIALS AND PEER REVIEW.** To ensure that enrollees will receive quality health care, the statewide rural health care system is intended to focus on processes for obtaining credentials and performing peer review that take into consideration the unique nature of rural communities and that track processes required under federal and state law. Local physicians and hospitals are intended to retain responsibility for these processes. These processes are not intended to exclude otherwise qualified practitioners from participating in the system.

(f) **QUALITY IMPROVEMENT AND MANAGEMENT.** The statewide rural health care system is intended to utilize standard guidelines established by the National Committee on Quality Assurance and other recognized accrediting organizations to ensure that the program achieves its objectives of providing quality patient care and to emphasize establishing benchmarks to measure program outcomes that will be made available to the public through proper reporting procedures.

SECTION 2. Article 20C.02, Insurance Code, is amended to read as follows:

Art. 20C.02. **DEFINITIONS.** (a) In this chapter:

(1) "Board" means the board of directors of the system.

(2) "Enrollee" means an individual entitled to receive health care services through a health care plan arranged for or provided by the system.

(3) "Health care services" has the meaning assigned by Section 2, Texas Health Maintenance Organization Act (Article 20A.02, Vernon's Texas Insurance Code).

(4) "Hospital provider" means a county hospital, county hospital authority, hospital district, municipal hospital, or municipal hospital authority.

(5) "Local health care provider" means:

(A) a person licensed, registered, or certified as a health care practitioner in this state who resides in or practices in a rural area in which the person provides health care services; or

(B) a general or specialty hospital that is not a hospital provider under this chapter.

(6) "Participating provider" means a hospital provider that participates in the system.

(7) "Person" means an individual, professional association, professional corporation, partnership, limited liability corporation, limited liability partnership, or nonprofit corporation, including a nonprofit corporation created under Section 5.01(a), Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes).

(8) "Rural area" means:

(A) a county with a population of 50,000 or less;

(B) an area that is not delineated as an urbanized area by the federal census bureau; or

(C) any other area designated as rural by rules adopted by the commissioner, subject to Subsection (b) of this article.

(9) "System" means the statewide rural health care system established by this chapter.

(10) "Territorial jurisdiction" means the geographical area in which a participating provider is obligated by law to provide health care services.

(b) In designating rural areas under Subsection (a)(8) of this article, the commissioner shall consider any area that is delineated as an urbanized area by the federal census bureau and:

(1) is contiguous with and not more than 10 miles away from a rural area described by Subsection (a)(8)(A) or (B) of this section;

(2) is sparsely populated, compared to areas within a 10-mile radius that are delineated as urbanized areas by the federal census bureau;

(3) has not increased in population in any single calendar year in the seven years before the commissioner makes the designation; and

(4) in which emergency or primary care services are limited or unavailable in accordance with network access standards imposed by the commissioner under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code) and in which those services would be made materially more accessible by allowing access to care in a contiguous area that is eligible to participate in the system.

SECTION 3. Article 20C.03, Insurance Code, is amended to read as follows:

Art. 20C.03. ESTABLISHMENT OF SYSTEM. The statewide rural health care system is established to arrange for or provide health care services ~~on a prepaid basis~~ to enrollees who reside in rural areas.

SECTION 4. Article 20C.04, Insurance Code, is amended to read as follows:

Art. 20C.04. DESIGNATION AS SYSTEM; QUALIFICATIONS. (a) The commissioner shall designate as the system one organization created under Article 20C.05 of this code.

(b) Except as provided by Subsection (c) [(b)] of this article, if the system arranges for or provides health care services to enrollees in exchange for a predetermined payment per enrollee on a prepaid basis, the system must obtain a certificate of authority under, and [to be eligible for designation as the system, the organization must] meet each requirement imposed by, the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), as if the organization were a person under the Act.

(c) If the system seeks a certificate of authority under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), the commissioner by rule may provide exceptions to the application of provisions of the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code) relating to mileage, distance, and network adequacy and scope.

(d) If the system seeks a certificate of authority under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), the [(b) The] system shall meet all reserve requirements required by the commissioner under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code). The system may fulfill the requirements of this subsection through the purchase of reinsurance from insurance companies approved for that purpose by the commissioner.

SECTION 5. Article 20C.07(a), Insurance Code, is amended to read as follows:

(a) The members of the board serve staggered six-year terms, with the terms of six members expiring December 1 of each even-numbered year ~~[February 1 of each odd-numbered year]~~.

SECTION 6. Article 20C.08(f), Insurance Code, is amended to read as follows:

(f) The board may ~~shall~~ appoint an advisory committee to represent health care services, including representatives of rural, urban, and educational groups and organizations. The advisory committee shall meet at the will of the board and advise the board on any matters as directed by the board ~~[composed of:~~

~~[(1) hospital administrators who represent nonprofit and investor-owned facilities;~~

~~[(2) representatives of hospital districts located in urban areas;~~

~~[(3) representatives of health care teaching facilities;~~

~~[(4) representatives of health care specialty facilities;~~

~~[(5) representatives of medical residency programs in family practice;~~

~~and~~

~~[(6) representatives of rural health clinics, federally qualified health centers, and ambulatory surgical centers].~~

SECTION 7. Article 20C.14, Insurance Code, is amended to read as follows:

Art. 20C.14. MANDATED PROVIDER~~[-EXCEPTION]~~. (a) To the extent consistent with federal law, the state shall award to the system at least one of any state managed care contracts awarded to provide health care services to beneficiaries of the Texas Medical Assistance Program under Chapter 32, Human Resources Code, in the rural areas within the territorial jurisdiction of the participating providers.

~~(b) [This article does not apply to a contract that expands coverage of the Texas Medical Assistance Program under Chapter 32, Human Resources Code, to certain children that is implemented during the 1997-1998 state fiscal biennium, except that the system shall receive a subcontract from the funding entity to provide services to those children if the system elects to receive a subcontract not later than November 1, 1997, the system provides the state share of matching funds for the entire population covered by the subcontract, and the subcontract does not cover an area that is included in the statutory territorial jurisdiction of a hospital district. If the system elects not to receive a subcontract or to provide the state share of matching funds, then any entity that is selected by the state Medicaid contracting entity to provide health care to those children shall use local health care providers and hospital providers in establishing its provider network.]~~

~~[(c)]~~ As a requirement of participation in any state contract, the system must satisfactorily address the qualifications for arranging to provide health care services to beneficiaries of certain governmental health care programs as delineated in the contractor's request for proposal, including:

(1) readiness reviews and adequacy of credentialing, medical management, quality assurance, claims payment, information management, provider and patient education, and complaint and grievance procedures; and

(2) adequacy of physician and provider networks, including such factors as diversity, geographic accessibility, inclusion of physicians and other providers that have furnished a significant amount of Medicaid or charity care to beneficiaries, and tertiary and subspecialty services.

~~(c) To the extent the system operates under a certificate of authority issued under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), the~~ ~~[(d) The]~~ system shall be reimbursed by the Medicaid contracting agency at the state-defined capitation rate for each service area in which the system operates.

~~(d) [(e)]~~ It is not a condition of participation for the system to accept from the Medicaid contracting agency a capitation rate which is lower than the state-defined capitation rate for each service area in which the system operates.

~~(e) [(f)]~~ The state retains the right to cancel a contract awarded under this article if the system is sold or dissolved.

SECTION 8. (a) This Act takes effect September 1, 1999.

(b) The term of a member of the board of directors of the statewide rural health care system appointed before the effective date of this Act expires December 1 of the year before the year the term was to expire under Chapter 20C, Insurance Code, as that chapter existed before amendment by this Act.

SECTION 9. 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 1346 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1346, A bill to be entitled An Act relating to the adoption of a junior college branch campus maintenance tax by certain counties.

On motion of Representative Salinas, the house concurred in the senate amendments to **HB 1346** by (Record 434): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Senate Committee Substitute

CSHB 1346, A bill to be entitled An Act relating to the adoption of a junior college branch campus maintenance tax by certain counties.

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

SECTION 1. Section 130.087(b), Education Code, is amended to read as follows:

(b) On presentation of a petition for an election to authorize a junior college district branch campus maintenance tax signed by not fewer than five percent of the qualified voters of the jurisdiction in which the proposed tax is to be levied, the governing body of the school district or county, as

applicable, shall determine the legality and the genuineness of the petition and, if it is determined to be legal and genuine, forward the petition to the Texas Higher Education Coordinating Board[~~, Texas College and University System~~]. The governing body of a county with a population of 150,000 or less, on completion of a needs assessment analysis showing adequate need and on approval by the coordinating board, on its own motion and without the presentation of a petition, may propose an election to authorize a branch campus maintenance tax.

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

HB 1418 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1418, A bill to be entitled An Act relating to optional career and technology education programs offered by public school districts and a study of career and technology education programs.

On motion of Representative Seaman, the house concurred in the senate amendments to **HB 1418** by (Record 435): 122 Yeas, 13 Nays, 2 Present, not voting.

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

Nays — Berman; Crabb; Crownover; Culberson; Davis, J.; Denny; Heflin; Hill; Howard; Madden; Talton; Truitt; Woolley.

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

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Absent — Deshotel; Flores; Hilbert; Maxey; Merritt; Naishtat; Ramsay.

STATEMENT OF VOTE

I was shown voting yes on Record No. 435. I intended to vote no.

Hope

Senate Amendment No. 1

Amend **HB 1418** as follows:

1. On Page 1, lines, 19-20, after "district" strike "in addition to" and insert the following: ". The Certificate is not in lieu of"

2. On Page 1, line 20, after "completion" and before "under" insert "issued".

**HB 1428 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1428, A bill to be entitled An Act relating to the prosecution of and the punishment for the offense of unlawful restraint.

On motion of Representative Staples, the house concurred in the senate amendments to **HB 1428**.

Senate Amendment No. 1

Amend **HB 1428**, in SECTION 2 of the bill, (Senate Committee Printing, Page 1, lines 33-40), by striking amended Section 20.02(c), Penal Code, and substituting the following:

(c) An offense under this section is a Class A ~~[B]~~ misdemeanor unless:

(1) the person restrained was a child younger than 17 ~~[14]~~ years of age, in which event the offense is a state jail felony ~~[Class A misdemeanor]~~; or

(2) the actor recklessly exposes the victim to a substantial risk of serious bodily injury, in which event it is a felony of the third degree.

**HB 1453 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1453, A bill to be entitled An Act relating to coverage under a title insurance policy issued with respect to residential real property.

Representative Smith 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 1453**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1453**: Smith, chair, Smithee, Seaman, Thompson, and J. Moreno.

**HB 1475 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1475, A bill to be entitled An Act relating to management and investment of trust assets.

On motion of Representative Thompson, the house concurred in the senate amendments to **HB 1475**.

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

Amend **HB 1475** in SECTION 3 of the bill, Section 114.032(e), Property Code by inserting "modifies or" before "terminates".

**HB 1491 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1491, A bill to be entitled An Act relating to the employment of certain physicians by a private medical school.

On motion of Representative Hochberg, the house concurred in the senate amendments to **HB 1491** by (Record 436): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Senate Amendment No. 1

Amend **HB 1491** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter E, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is amended by adding Section 5.12 to read as follows:

Sec. 5.12. EMPLOYMENT OF PHYSICIANS BY PRIVATE MEDICAL SCHOOL. (a) A private nonprofit medical school that is certified under

Subsection (d) of this section, accredited by the Liaison Committee on Medical Education, and that was appropriated funds by the legislature in the 75th Legislature, Regular Session, 1997, may retain, in fulfilling its educational mission, all or part of the professional income generated by a physician for medical services if the physician is employed as a faculty member of the school and provides medical services as part of the physician's responsibilities.

(b) A private medical school subject to this section shall establish a committee consisting of at least five actively practicing physicians who provide care in the clinical program of the private medical school. The committee shall approve existing policies, or adopt new policies if none exist, to ensure that a physician whose professional income is retained under Subsection (a) of this section is exercising the physician's independent medical judgment in providing care to patients in the school's clinical programs. The policies adopted under this subsection must include policies relating to credentialing, quality assurance, utilization review, peer review, medical decision-making, governance of the committee, and due process.

(c) Each member of a committee under Subsection (b) of this section shall provide to the board biennially a signed and verified statement indicating that the member:

(1) is licensed by the board;

(2) will exercise independent medical judgment in all committee matters, specifically in matters relating to credentialing, quality assurance, utilization review, peer review, medical decision-making, and due process;

(3) will exercise the member's best efforts to ensure compliance with the private medical school's policies that are adopted or established by the committee; and

(4) shall report immediately to the board any action or event that the member reasonably and in good faith believes constitutes a compromise of the independent judgment of a physician in caring for a patient in the private medical school's clinical program or in carrying out the member's duties as a committee member.

(d) A private school that retains a physician's professional income under Subsection (a) of this section must be certified by the board as being in compliance with this section. The board shall prescribe an application form to be provided to the school and may adopt rules as necessary to administer this section. The board may prescribe and assess a fee for the certification of a school and for investigation and review of the school in an amount not to exceed the fee assessed on an organization described by Section 5.01(a) of this Act.

(e) A private medical school certified under Subsection (d) of this section must provide to the board a biennial report certifying that the board is in compliance with this section. If the board determines at any time that the private medical school has failed to comply with this section, the board may suspend or revoke the school's certification.

(f) A private medical school's authority to retain a physician's professional income does not apply to a physician providing care in a facility owned or operated by the school that is established outside the school's historical geographical service area as it existed on the effective date of this section.

(g) The board shall adopt rules requiring the disclosure of financial conflicts of interest by a committee member.

(h) This section does not affect the reporting requirements under Section 5.06(d) of this Act.

(i) This section does not apply to a private medical school certified under this section if all or substantially all of the school's assets are sold.

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

**HB 1498 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

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

Representative Janek 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 1498**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1498**: Janek, chair, Eiland, Smithee, Siebert, and Van de Putte.

**HB 1521 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1521, A bill to be entitled An Act relating to penalties for violating certain statutes relating to real property.

On motion of Representative Siebert, the house concurred in the senate amendments to **HB 1521** by (Record 437): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa;

Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, 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; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Senate Committee Substitute

CSHB 1521. A bill to be entitled An Act relating to penalties for violating certain statutes relating to real property.

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

SECTION 1. Section 23A(b), Professional Land Surveying Practices Act (Article 5282c, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) The penalty for each violation may be in an amount not to exceed \$1,500 [~~\$1,000~~] for each violation.

SECTION 2. Section 23B, Professional Land Surveying Practices Act (Article 5282c, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 23B. CIVIL PENALTY. (a) A person who violates this Act or a rule adopted under this Act is liable for a civil penalty of not more than \$1,500 [~~\$1,000~~] for each violation.

(b) The attorney general, on request of the board, shall institute and conduct a suit to collect the penalty in the name of the state [~~a suit to collect the penalty~~].

(c) A civil penalty collected under this section shall be deposited in the state treasury to the credit of the General Revenue Fund.

SECTION 3. Article 6573a.1, Revised Statutes, is amended to read as follows:

Art. 6573a.1. (a) A person commits an offense if the [~~Any~~] person [~~who shall~~] wilfully violates [~~violate~~] or fails [~~fail~~] to comply with any of the provisions of The Real Estate License Act of Texas or any order of the [~~The~~] Texas Real Estate Commission authorized by The Real Estate License Act.

(b) An offense under this article is a Class A [~~shall be guilty of a~~] misdemeanor [~~and upon conviction therefor shall be sentenced to pay a fine of not more than Five Hundred Dollars (\$500), or to imprisonment in the county jail for not more than one year, or to both such fine and imprisonment~~].

SECTION 4. Section 12(j), Texas Appraiser Licensing and Certification Act (Article 6573a.2, Vernon's Texas Civil Statutes), is amended to read as follows:

(j) A certified or licensed appraiser who files a complaint against another certified or licensed appraiser that the board determines to be frivolous is liable for a civil penalty. At the request of the board, the attorney general

or a district or county attorney may institute a civil action in district court to collect a civil penalty under this subsection. A civil penalty under this subsection may not be less than \$1,000 [~~\$500~~] or more than \$10,000. A civil penalty recovered in a suit instituted under this subsection shall be deposited in the state treasury to the credit of the general revenue fund.

SECTION 5. Section 12A(j), Texas Appraiser Licensing and Certification Act (Article 6573a.2, Vernon's Texas Civil Statutes), is amended to read as follows:

(j) By a majority vote of the members hearing the contested matter, the board shall make findings of fact and conclusions of law and may take one or more of the following actions:

(1) dismissal of the charges, including an order that the file in the case is confidential;

(2) suspension or revocation of the appraiser's license or certification;

(3) imposition of a period of probation with or without conditions;

(4) a requirement that the appraiser submit to reexamination for licensing or certification as an appraiser;

(5) a requirement that the appraiser participate in additional professional education or continuing education;

(6) issuance of a public or private reprimand or a warning;

(7) issuance of a consent order; or

(8) imposition of an administrative penalty, the amount of which shall be set at the discretion of the board at an amount that may not exceed \$1,500 [~~\$1,000~~] for each violation or \$5,000 for multiple violations in one hearing, to be paid not later than the 20th day after the date of final disposition of the case.

SECTION 6. Section 22, Residential Service Company Act (Article 6573b, Revised Statutes), is amended to read as follows:

Sec. 22. INJUNCTIONS. (a) When it appears to the commission that a service company is violating or has violated this Act or a [any] rule ~~[or regulation]~~ issued under [pursuant to] this Act and that bringing an action would be in the public interest, the commission may bring an action in the name of the state ~~[suit]~~ in a district court of Travis County, Texas, to restrain or otherwise enjoin the violation and for such other relief as the court may deem appropriate. The commission has exclusive authority to bring an action under this section.

(b) On application and a finding that a service company is violating or has violated this Act or a rule issued under this Act, the court shall grant, without bond, the injunctive relief warranted by the facts.

SECTION 7. The Residential Service Company Act (Article 6573b, Revised Statutes) is amended by amending Section 23 and adding Section 23A to read as follows:

Sec. 23. CIVIL PENALTY. (a) The commission may bring an action for a civil penalty for a [Any] violation of this Act. The [is a deceptive trade practice and is actionable by any person for \$1,000 as a civil] penalty may not exceed \$2,500 for each violation or \$50,000 in the aggregate for all violations of a similar nature.

(b) For purposes of this section, violations are of a similar nature if the violations consist of the same or a similar course of conduct, action, or practice, regardless of the number of times the conduct, act, or practice determined to be a violation of this Act occurred.

Sec. 23A. ACTION UNDER DECEPTIVE TRADE PRACTICES ACT. A [~~or actual damages sustained, whichever is greater. Any plaintiff who shows a violation of this Act shall recover court costs and attorney's fees that are reasonable in relation to the amount of work expended. Such~~] violation of this Act is [~~also~~] actionable by a [~~any~~] consumer as a deceptive trade practice under Subchapter E, [pursuant to] Chapter 17, [Subchapter E,] Business & Commerce Code[~~, as amended~~].

SECTION 8. Section 12.002(e), Property Code, is amended to read as follows:

(e) A person commits an offense if the person violates Subsection (b) or (c). An offense under this subsection is a misdemeanor punishable by a fine of not less than \$10 or more than \$1,000 [~~\$500~~], by confinement in the county jail for a term not to exceed 90 days, or by both the fine and confinement. Each violation constitutes a separate offense and also constitutes prima facie evidence of an attempt to defraud.

SECTION 9. Section 221.073(c), Property Code, is amended to read as follows:

(c) An offense under this section is a Class A misdemeanor. A [~~and no~~] person may not be prosecuted for more than one offense involving the same promotion, even if mailed or distributed to more than one person.

SECTION 10. Sections 221.075(b) and (c), Property Code, are amended to read as follows:

(b) If the statement required by Section 221.074 is late and an extension has not been granted under Subsection (a), the managing entity required to provide the statement is liable to the state for a civil penalty not to exceed:

(1) \$500 per day for each of the first 10 days that the statement is late; and

(2) \$1,500 [~~\$1,000~~] per day for each day after the 10th day, until the managing entity has complied with Section 221.074.

(c) In no event shall the civil penalties exceed \$30,000 [~~\$25,000~~] for any one statement period.

SECTION 11. (a) The changes in law made by Sections 1, 2, 4, 5, 7, and 10 of this Act apply to a violation committed before, on, or after the effective date of this Act.

(b) The changes in law made by Sections 3, 6, 8, and 9 of this Act apply only to a violation committed on or after the effective date of this Act. For purposes of this subsection, a violation is committed before the effective date of this Act if any element of the violation occurs before that date. A violation committed before the effective date of this Act is covered by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be

read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

HB 1628 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1628, A bill to be entitled An Act relating to requiring a health insurer to provide certain information to governmental entities with which the insurer contracts.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 1628**. (Truitt recorded voting no)

Senate Amendment No. 1

Amend **HB 1628** by adding appropriately numbered SECTIONS to read as follows and renumbering remaining SECTIONS accordingly:

SECTION _____. Subchapter H, Chapter 26, Insurance Code, is amended by adding Article 26.96 to read as follows:

Art. 26.96. REPORTING OF CLAIMS INFORMATION. (a) This article applies only to an insured employer health benefit plan.

(b) An employer carrier, on written request from an insured employer covered by that carrier, shall report to the employer information from the 12 months preceding the date of the report regarding:

(1) the total amount of charges submitted to the carrier for persons covered under the employer health benefit plan;

(2) the total amount of payments made by the carrier to health care providers for persons covered under the plan; and

(3) to the extent available, information on claims paid by type of health care provider, including the total hospital charges, physician charges, pharmaceutical charges, and other charges.

(c) An employer carrier shall provide information requested by an employer under this article annually not later than the 30th day before the anniversary or renewal date of the employer's health benefit plan.

(d) Notwithstanding Subsection (c) of this article, an employer is not required to provide information under Subsection (b) of this article earlier than the 30th day after the date of the initial written request.

(e) An employer carrier may not report any information required under this article the release of which is prohibited by federal law or regulation.

(f) Claim information provided by an employer carrier under this section shall be provided in the aggregate, without information through which a specific individual covered by the health insurance or evidence of coverage may be identified.

SECTION _____. Article 26.96, Insurance Code, as added by this Act, applies only to a contract entered into on or after the effective date of this Act. A contract entered into before that date is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

**HB 1652 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 1652**.

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

Amend **HB 1652**, adding an appropriately numbered SECTION to read as follows:

"SECTION 3. 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 1752 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1752, A bill to be entitled An Act relating to the compensation of certain private investigators and witnesses who are retained by appointed counsel.

On motion of Representative Coleman, the house concurred in the senate amendments to **HB 1752**.

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

Amend **HB 1752** Section 2 Article 26.052, Code of Criminal Procedure, page 1, strike lines 20-21.

**HB 1799 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative P. King called up with senate amendments for consideration at this time,

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

Representative P. King 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 1799**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1799**: P. King, chair, Eiland, Coleman, Wilson, and Pitts.

HB 1810 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1810, A bill to be entitled An Act relating to the deposit and investment of funds by the comptroller of public accounts.

On motion of Representative Averitt, the house concurred in the senate amendments to **HB 1810**.

Senate Committee Substitute

CSHB 1810, A bill to be entitled An Act relating to the deposit and investment of funds by the comptroller of public accounts.

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

SECTION 1. Section 404.0212(d), Government Code, is amended to read as follows:

(d) The comptroller may not select as a depository a regulated financial institution for which the entire institution [that] has been assigned a rating below "outstanding record of meeting community credit needs" or "satisfactory record of meeting community credit needs" under 12 U.S.C. Section 2906. However, the comptroller shall establish criteria to determine whether a financial institution doing business in this state and other states has a satisfactory record of meeting community credit needs in this state.

SECTION 2. Section 404.022, Government Code, is amended to read as follows:

Sec. 404.022. APPLICATIONS. (a) The comptroller, not later than the first business day [on the second Tuesday] in June of each odd-numbered year, shall mail to each eligible institution a letter stating the conditions with which applicants for designation as a state depository must comply. The comptroller shall keep on file in the comptroller's office and make available for inspection by any person a list of institutions to which letters have been sent.

(b) The application for designation as a state depository must include a statement:

(1) of the amount of the applicant's paid capital stock and permanent surplus, if any, ~~or if the applicant is a private bank, the amount of net proprietorship~~;

(2) of the maximum amount of state time deposits ~~[funds]~~ the applicant will accept;

(3) of the applicant's condition according to the most recent financial statement on the date the application is submitted; and

(4) that the books and accounts of the institution, if it is designated as a state depository, will be open at all times for inspection by the comptroller or a representative of the comptroller.

(c) An application shall be mailed to the comptroller at Austin and must be received before noon on ~~[of]~~ the first business day of August of the year in which the letter is sent. An application received after that time may be considered at the option of the comptroller. The comptroller may ~~[shall]~~

charge a processing fee of \$25 for each application and shall deposit the fees to the credit of the general revenue fund.

(d) On receipt of an application under this section, the comptroller shall endorse on the application the date of its receipt. The comptroller shall prepare a list of the names of the applicants and the amount for which each has applied.

(e) The comptroller may approve those applicants that are acceptable and may reject those whose management or condition, in the opinion of the comptroller, does not warrant the placing of state funds in their possession. ~~[An application for state funds may not be granted if the applicant's liabilities for borrowed money are in excess of its capital stock, but the comptroller may in its discretion waive this provision.]~~

(f) ~~[The comptroller may designate an applicant as a state depository if the applicant has complied with all of the conditions set by the comptroller.]~~ The designation as a state depository is effective for a period of not more than two years.

(g) As soon as practicable after the comptroller has made its designations, the comptroller shall inform ~~[aH]~~ applicants whether they have been designated as state depositories.

(h) ~~[If more depositories are required at any time, the comptroller may send to all eligible institutions notice that further applications for designation as a state depository for the unexpired term will be accepted.]~~

~~[(i)]~~ The comptroller may execute a simplified version of a depository agreement with an eligible institution desiring to hold \$98,000 or less in state deposits that are fully insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund.

SECTION 3. Section 404.023, Government Code, is amended to read as follows:

Sec. 404.023. DESIGNATION. The comptroller shall designate one or more state depository banks that have main offices or branches in centrally located cities in this state to be used for clearing checks and other obligations due the state.

SECTION 4. Section 404.024, Government Code, is amended by amending Subsection (g) and adding Subsections (j) and (k) to read as follows:

(g) To the extent practicable, the comptroller shall give first consideration to ~~[Texas]~~ banks that maintain main offices or branch offices in this state when investing in direct security repurchase agreements.

(j) If the comptroller is required by law to invest funds other than as provided by this section, and if other law does not establish a conflicting standard governing that investment, the comptroller shall invest those funds under the restrictions and procedures for making the investments that persons of ordinary prudence, discretion, and intelligence, exercising the judgment and care under the prevailing circumstances, would follow in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds, considering the probable income as well as the probable safety of their capital.

(k) The comptroller may contract with private professional investment

managers to assist the comptroller in investing funds under the care, custody, and control of the comptroller.

SECTION 5. Sections 404.031(a) and (f), Government Code, are amended to read as follows:

(a) The comptroller may deposit state funds with a depository only if the depository has pledged with the comptroller eligible investment securities acceptable to the comptroller in an amount not less than the amount of deposits to be secured. The comptroller shall determine the market value of securities pledged to secure state funds for the purpose of determining the adequacy of the amount of collateral. The comptroller's valuation of the securities is final and not subject to review.

(f) Instead of depositing pledged securities with the comptroller, a state depository may deposit pledged securities with a federal reserve bank or a federal home loan bank ~~[the Federal Reserve Bank of Dallas or the Federal Home Loan Bank of Dallas]~~. The securities shall be held by the bank to secure funds deposited by the comptroller in the state depository pledging the securities. When the pledged securities are deposited, the bank may apply book entry to the securities. The records of the bank shall at all times reflect the name of the state depository depositing the pledged securities, and the bank shall issue an advice of transaction to the comptroller and the state depository pledging the securities.

SECTION 6. This Act takes effect September 1, 1999.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

HB 1952 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1952, A bill to be entitled An Act relating to the right of faculty members at institutions of higher education to present grievances on certain personnel issues.

On motion of Representative Rangel, the house concurred in the senate amendments to **HB 1952**.

Senate Committee Substitute

CSHB 1952, A bill to be entitled An Act relating to the right of faculty members at institutions of higher education to present grievances on certain personnel issues.

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

SECTION 1. Subchapter Z, Chapter 51, Education Code, is amended by adding Section 51.960 to read as follows:

Sec. 51.960. GRIEVANCE RIGHTS ON CERTAIN PERSONNEL ISSUES.

(a) In this section:

(1) "Faculty member" means a person employed full-time by an institution of higher education as a member of the institution's faculty, including professional librarians, whose duties include teaching, research, administration, or the performance of professional services. The term does not include a person who holds faculty rank but who spends the majority of the person's time for the institution engaged in managerial or supervisory activities, including a chancellor, vice chancellor, president, vice president, provost, associate or assistant provost, dean, or associate or assistant dean.

(2) "Institution of higher education" has the meaning assigned by Section 61.003.

(b) A faculty member at an institution of higher education has a right to present a grievance, in person, to a member of the institution's administration designated by the governing board of the institution on an issue related to the nonrenewal or termination of the faculty member's employment at the institution.

(c) An institution may not, by contract, policy, or procedure, restrict a faculty member's right to present a grievance under this section. An institution may adopt a method for presenting, reviewing, and acting on a grievance filed under this section.

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

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

HB 1987 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1987, A bill to be entitled An Act relating to the examinations administered or accepted for licensure of physicians.

On motion of Representative McCall, the house concurred in the senate amendments to **HB 1987** by (Record 438): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, 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;

Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Sadler; Salinas; Seaman; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Absent — Alvarado; Naishtat; Ritter; Shields.

STATEMENT OF VOTE

When Record No. 438 was taken, I was in the house but away from my desk. I would have voted yes.

Shields

Senate Amendment No. 1

Amend **HB 1987** on third reading in SECTION 1 of the bill, in amended Section 3.05, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), by striking proposed Subsection (m) of that section and substituting the following:

(m) Notwithstanding Subsection (l) of this section, an applicant is considered to have satisfied the requirements of this section if the applicant:

(1) passed all but one part of an examination approved by the board within three attempts and passed the remaining part of the examination within five attempts;

(2) is specialty board certified by a specialty board that:

(A) is a member of the American Board of Medical Specialties; or

(B) is approved by the American Osteopathic Association;
and

(3) completed in this state an additional two years of postgraduate medical training approved by the board.

HB 2070 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

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

On motion of Representative Gray, the house concurred in the senate amendments to **HB 2070**.

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

Amend **HB 2070** by adding the following language:

On page 4, line 12, after "businesses" add "or relating to the procurement of goods and services from persons with disabilities."

Senate Amendment No. 2 (Senate Committee Amendment No. 2)

Amend **HB 2070** in SECTION 1 by deleting Subsection (f) of the proposed Section 74.008, Education Code, and inserting in lieu thereof new subsections (f) and (g) to read as follows:

(f) This section does not apply to purchases of professional services subject to Chapter 2254, Government Code.

(g) Except as otherwise provided by this section, Subtitle D, Title 10, Government Code, does not apply to purchases of goods and services made under this section.

**HB 2105 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2105, A bill to be entitled An Act relating to judicial review of the validity or applicability of state agency rules and decisions in contested cases.

On motion of Representative Capelo, the house concurred in the senate amendments to **HB 2105**.

Senate Committee Substitute

CSHB 2105, A bill to be entitled An Act relating to judicial review of the validity or applicability of state agency rules and decisions in contested cases.

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

SECTION 1. Section 2001.038, Government Code, is amended by adding Subsection (f) to read as follows:

(f) A Travis County District Court in which an action is brought under this section, on its own motion or the motion of any party, may request transfer of the action to the Court of Appeals for the Third Court of Appeals District if the district court finds that the public interest requires a prompt, authoritative determination of the validity or applicability of the rule in question and the case would ordinarily be appealed. After filing of the district court's request with the court of appeals, transfer of the action may be granted by the court of appeals if it agrees with the findings of the district court concerning the application of the statutory standards to the action. On entry of an order by the court of appeals granting transfer, the action is transferred to the court of appeals for decision, and the validity or applicability of the rule in question is subject to judicial review by the court of appeals. The administrative record and the district court record shall be filed by the district clerk with the clerk of the court of appeals. The court of appeals may direct the district court to conduct any necessary evidentiary hearings in connection with the action.

SECTION 2. Section 2001.176, Government Code, is amended by adding Subsection (c) to read as follows:

(c) A Travis County District Court in which an action is brought under this section, on its own motion or on motion of any party, may request transfer of the action to the Court of Appeals for the Third Court of Appeals

District if the district court finds that the public interest requires a prompt, authoritative determination of the legal issues in the case and the case could ordinarily be appealed. After filing of the district court's request with the court of appeals, transfer of the action may be granted by the court of appeals if it agrees with the findings of the district court concerning the application of the statutory standards to the action. On entry of an order by the court of appeals granting transfer, the action is transferred to the court of appeals for decision, and the agency decision in the contested case is subject to judicial review by the court of appeals. The administrative record and the district court record shall be filed by the district clerk with the clerk of the court of appeals. The court of appeals may direct the district court to conduct any necessary evidentiary hearings in connection with the action.

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

(b) The change in law made by this Act applies to an action pending in a district court on the effective date and to an action filed on or after that date.

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

HB 2159 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2159, A bill to be entitled An Act relating to the retainage of payments under certain contracts entered into by the Texas Department of Transportation for improvements to state highways.

On motion of Representative Bosse, the house concurred in the senate amendments to **HB 2159** by (Record 439): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, 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; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford;

Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Absent — Allen.

Senate Committee Substitute

CSHB 2159, A bill to be entitled An Act relating to the retainage of payments under certain contracts entered into by the Texas Department of Transportation for improvements to state highways.

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

SECTION 1. Section 223.010, Transportation Code, is amended by amending Subsection (a) and adding Subsection (h) to read as follows:

(a) Five percent of the contract price shall be retained until the entire improvement has been completed and accepted, except as provided by Subsection (h).

(h) This subsection applies only to a contract that provides for a separate vegetative establishment, maintenance, or performance period following construction of an improvement. Before the entire improvement is accepted, the department may release a portion of the amount retained under Subsection (a) at the time construction of the improvement is completed but no more than the amount sufficient to ensure compliance with the contract.

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

HB 2165 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2165, A bill to be entitled An Act relating to guardianships for incapacitated persons.

On motion of Representative Naishtat, the house concurred in the senate amendments to **HB 2165**.

Senate Amendment No. 1

Amend **HB 2165** as follows:

In SECTION 4 of the bill, Senate committee report, page 2, lines 39-41, strike "include the name, address, telephone number, county of residence, social security number, and date of birth of the person" and substitute "include the name, address, telephone number, county of residence, and date of birth of the person".

**HB 2255 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2255, A bill to be entitled An Act relating to the regulation of the sale of certain items used in funerals.

On motion of Representative Swinford, the house concurred in the senate amendments to **HB 2255**.

Senate Amendment No. 1

Amend **HB 2255** by striking Section 2 of the bill and renumbering subsequent sections accordingly.

**HB 2307 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2307, A bill to be entitled An Act relating to assistance to certain low-performing public school districts.

On motion of Representative Keffer, the house concurred in the senate amendments to **HB 2307**.

Senate Committee Substitute

CSHB 2307, A bill to be entitled An Act relating to assistance to certain low-performing public school districts.

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

SECTION 1. Subchapter I, Chapter 21, Education Code, is amended by adding Section 21.410 to read as follows:

Sec. 21.410. MASTER READING TEACHER GRANT PROGRAM.

(a) The commissioner shall establish a master reading teacher grant program to encourage teachers to:

(1) become certified as master reading teachers; and

(2) work with other teachers and with students in order to improve student reading performance.

(b) From funds appropriated for the purpose, the commissioner shall make grants to school districts as provided by this section to pay stipends to selected certified master reading teachers who teach at high-need companies.

(c) The commissioner shall annually identify each high-need campus in a school district using criteria established by the commissioner by rule, including performance on the reading assessment instrument administered under Section 39.023. The commissioner shall also use the criteria to rank campuses in order of greatest need.

(d) A school district may apply to the commissioner for grants for each high-need campus identified by the commissioner to be used to pay stipends to certified master reading teachers in accordance with this section. Unless

reduced under Subsection (g) or (i), each grant is in the amount of \$5,000. The commissioner shall approve the application if the district:

(1) applies within the period and in the manner required by rule adopted by the commissioner; and

(2) agrees to use each grant only for the purpose of paying a year-end stipend to a master reading teacher:

(A) who holds a certificate issued under Section 21.0481;

(B) who teaches in a position prescribed by the district at a high-need campus identified by the commissioner;

(C) whose primary duties include:

(i) teaching reading; and

(ii) serving as a reading teaching mentor to other teachers for the amount of time and in the manner established by the district and by rule adopted by the commissioner; and

(D) who satisfies any other requirements established by rule adopted by the commissioner.

(e) Unless reduced under Subsection (g) or (i), a stipend under Subsection (d)(2) is in the amount of \$5,000.

(f) The commissioner shall adopt rules for the distribution of grants to school districts following the year of the initial grant. A district that has been approved for a grant to pay a stipend to a certified master reading teacher is not required to reapply for a grant for two consecutive school years following the year of the initial grant if the district:

(1) continues to pay a stipend as provided by Subsection (g); and

(2) notifies the commissioner in writing, within the period and in the manner prescribed by the commissioner, that the circumstances on which the grant was based have not changed.

(g) The commissioner shall reduce payments to a school district proportionately to the extent a teacher does not meet the requirements under Subsection (d)(2) for the entire school year. A district that employs more certified master reading teachers than the number of grants available under this section shall select the certified master reading teachers to whom to pay stipends based on a policy adopted by the board of trustees of the district, except that a district shall pay a stipend for two additional consecutive school years to a teacher the district has selected for and paid a stipend for a school year, who remains eligible for a stipend under Subsection (d)(2), and for whom the district receives a grant under this section for those years. A decision of the district under this subsection is final and may not be appealed. The district may not apportion among teachers a stipend paid for with a grant the district receives under this section. The district may use local money to pay additional stipends in amounts determined by the district.

(h) A grant a school district receives under this section is in addition to any funding the district receives under Chapter 42. The commissioner shall distribute funds under this section with the Foundation School Program payment to which the district is entitled as soon as practicable after the end of the school year as determined by the commissioner. A district to which Chapter 41 applies is entitled to the grants paid under this section. The commissioner shall determine the timing of the distribution of grants to a district that does not receive Foundation School Program payments.

(i) This section does not create a property right to a grant or stipend. A school district is entitled to a grant to carry out the purposes of this section only to the extent the commissioner makes the grant in accordance with this section and only to the extent sufficient state funds are appropriated for those purposes. If state funds are appropriated but are insufficient to fully fund a grant, the commissioner shall reduce the grant paid to each district shall reduce the stipend the district pays to each teacher under this section proportionately so that each selected teacher receives the same amount of money.

(j) A decision of the commissioner concerning the amount of money to which a school district is entitled under this section is final and may not be appealed. Each district shall, in the manner and at the time prescribed by the commissioner, provide to the commissioner proof acceptable to the commissioner of the master reading teacher certification of a teacher to whom the district is paying a stipend under this section.

(k) The commissioner may audit the expenditure of money appropriated for purposes of this section. A district's use of the money appropriated for purposes of this section shall be verified as part of the district audit under Section 44.008.

(l) A stipend a teacher receives under this section is not considered in determining whether the district is paying the teacher the minimum monthly salary under Section 21.402.

(m) The commissioner may adopt other rules as necessary to implement this section.

SECTION 2. Subchapter B, Chapter 21, Education Code, is amended by adding Section 21.0481 to read as follows:

Sec. 21.0481. MASTER READING TEACHER CERTIFICATION. (a) To ensure that there are teachers with special training to work with other teachers and with students in order to improve student reading performance, the board shall establish a master reading teacher certificate.

(b) The board shall issue a master reading teacher certificate to each eligible person.

(c) To be eligible for a master reading teacher certificate, a person must:

(1) hold a reading specialist certificate issued under this subchapter and satisfactorily complete a course of instruction as prescribed under Subdivision (2)(B); or

(2) hold a teaching certificate issued under this subchapter and:

(A) have at least three years of teaching experience;

(B) satisfactorily complete a knowledge-based and skills-based course of instruction on the science of teaching children to read that includes training in:

(i) effective reading instruction techniques, including effective techniques for students whose primary language is a language other than English;

(ii) identification of dyslexia and related reading disorders and effective reading instruction techniques for students with those disorders; and

(iii) effective professional peer mentoring techniques;

(C) perform satisfactorily on the master reading teacher certification examination prescribed by the board; and

(D) satisfy any other requirements prescribed by the board.

SECTION 3. Subchapter J, Chapter 21, Education Code, is amended by adding Section 21.453 to read as follows:

Sec. 21.453. STAFF DEVELOPMENT ACCOUNT. (a) The staff development account is an account in the general revenue fund. The account consists of gifts, grants, donations, appropriations for the purpose of staff development under this subchapter, and any other money transferred by law to the account. Funds in the account may be used only as provided by this section.

(b) The commissioner may allocate funds from the account to regional education service centers to provide staff development resources to school districts that:

(1) are rated academically unacceptable;

(2) have one or more campuses rated as low-performing; or

(3) are otherwise in need of assistance as indicated by the academic performance of students, as determined by the commissioner.

(c) A school district that receives resources under this section must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district.

(d) The commissioner may adopt rules governing the allocation and use of funds under this section.

SECTION 4. Section 39.075(c), Education Code, is amended to read as follows:

(c) Based on the results of a special accreditation investigation, the commissioner may lower the district's accreditation rating and may take appropriate action under Subchapter G. Regardless of whether the commissioner lowers the district's accreditation rating, the commissioner may take action under Sections 39.131(a)(1) through (8) if the commissioner determines that the action is necessary to improve any area of a district's performance, including the district's financial accounting practices.

SECTION 5. Section 822.201(b), Government Code, as amended by Chapters 330 and 1035, Acts of the 75th Legislature, Regular Session, 1997, is amended to read as follows:

(b) "Salary and wages" as used in Subsection (a) means:

(1) normal periodic payments of money for service the right to which accrues on a regular basis in proportion to the service performed;

(2) amounts by which the member's salary is reduced under a salary reduction agreement authorized by Chapter 610;

(3) amounts that would otherwise qualify as salary and wages under Subdivision (1) but are not received directly by the member pursuant to a good faith, voluntary written salary reduction agreement in order to finance payments to a deferred compensation or tax sheltered annuity program specifically authorized by state law or to finance benefit options under a cafeteria plan qualifying under Section 125 of the Internal Revenue Code of 1986 (26 U.S.C.) Section 125), if:

(A) the program or benefit options are made available to all employees of the employer; and

(B) the benefit options in the cafeteria plan are limited to one or more options that provide deferred compensation, group health and disability insurance, group term life insurance, dependent care assistance programs, or group legal services plans; ~~and~~

(4) performance pay awarded to an employee by a school district as part of a total compensation plan approved by the board of trustees of the district;[-]

~~(5) [(4)]~~ the benefit replacement pay a person earns under Subchapter H, Chapter 659, as added by Chapter 417, Acts of the 74th Legislature, 1995, except as provided by Subsection (c); ~~and~~

(6) stipends paid to teachers in accordance with Section 21.410, Education Code.

SECTION 6. The State Board for Educator Certification shall propose rules establishing requirements and prescribing an examination for master reading teacher certification not later than January 1, 2001.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senate Amendment No. 1

Amend **CSHB 2307** as follows:

1. In SECTION 1, page 1, line 24, after "high-need", strike "companies" and insert "campuses".

2. In SECTION 1, page 2, line 36, after "district" and before "shall" insert the words "and the district".

Senate Amendment No. 2

Amend **CSHB 2307**, 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 2409 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative T. King called up with senate amendments for consideration at this time,

HB 2409, A bill to be entitled An Act relating to the issuance of a certificate of title for and the transfer of a motor vehicle that is not registered in this state.

Representative T. King 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 2409**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2409**: T. King, chair, Pickett, Hill, Hawley, and Siebert.

HB 2424 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2424, A bill to be entitled An Act relating to application of certain coverage requirements for serious mental illness.

On motion of Representative Coleman, the house concurred in the senate amendments to **HB 2424**.

Senate Amendment No. 1

Amend **HB 2424**, page 2, beginning at line 12, add new language to read as follows and renumber subsequent sections accordingly:

(5) with the exception of Section 1 of this article which shall apply, a plan offered under the Texas Employees Uniform Group Insurance Benefits Act (Article 3.50-2, Vernon's Texas Insurance Code) or the Texas State college and University Employees Uniform Insurance Benefits Act (Article 3.50-3, Vernon's Texas Insurance Code);

(6) a plan offered under or in accordance with Article 3.51-5A of this code; or

HB 2877 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 2877, A bill to be entitled An Act relating to the lease of certain facilities and the retirement options and health coverage of certain employees in connection with implementation of integrated enrollment services for health and human services programs.

On motion of Representative Maxey, the house concurred in the senate amendments to **HB 2877**.

Senate Amendment No. 1

Amend **HB 2877**, Section 1, as follows:

1. On page 1, line 1-18, delete "lease" and insert "sublease";
2. On page 1, line 1-19, delete "sublease" and insert "lease";
3. On page 1, line 1-42, delete "TEXAS";
4. On page 1, line 1-45, delete "a" and insert "an";
5. On page 1, line 1-44, delete "Texas Integrated Enrollment Services" and insert "integrated enrollment services"; and
6. On page 1, line 1-48, between "call" and "centers" insert "or change".

**HB 3016 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

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

Representative Averitt 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 3016**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3016**: Smithee, chair, Burnam, Wise, Eiland, and Seaman.

**HB 3029 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3029, A bill to be entitled An Act relating to certain industrial development corporations, projects of industrial development corporations, and the taxes levied for those projects.

Representative Oliveira 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 3029**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3029**: Oliveira, chair, J. Solis, Luna, Seaman, and Hinojosa.

**HB 3050 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3050, A bill to be entitled An Act relating to the administration of certain loan programs by the Texas Agricultural Finance Authority, to limiting certain liability for activities in programs funded by the authority, and to the promotion of the development of agriculture-related rural businesses.

On motion of Representative Counts, the house concurred in the senate amendments to **HB 3050** by (Record 440): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum;

Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; 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; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Absent — Alvarado; Gray.

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

1. Amend SECTION 10 of **CSHB 3050** in page 13, line 27 by adding the following after "board.":

"The authority may make, guarantee, participate in, insure, co-insure, or reinsure loans to an eligible agricultural business from the proceeds of revenue bonds issued in accordance with Section 58.033 in an amount approved by the board."

Senate Amendment No. 2 (Senate Committee Amendment No. 2)

1. Amend SECTION 12 of **CSHB 3050** in page 14, line 25 through page 15, line 2, by striking the proposed Sec. 58.026, Agriculture Code, and replacing it with the following:

Sec. 58.026 LIMITATION OF LIABILITY FOR CERTAIN RECREATIONAL ACTIVITIES. Nothing in this chapter shall affect the applicability of Chapter 75, Civil Practice and Remedies Code.

Senate Amendment No. 3

(1) Amend **HB 3050** (Senate Committee Printing) on page 4, between lines 48 and 49 by adding a new SECTION 7 to read as follows:

"SECTION 7. Title 3, Agriculture Code, is amended by adding Chapter 46 to read as follows:

CHAPTER 46. AGRICULTURAL TECHNOLOGY PROGRAM

Sec. 46.001. DEFINITIONS. In this chapter:

(1) "Agricultural crisis" means an event or condition, including adverse weather conditions, water shortages, disruption in transportation, low commodity prices, an animal health issue, crop disease, or insect infestation, that could disrupt or jeopardize an aspect of the agricultural industry.

(2) "Agri-tech program" means the agricultural technology program established under this chapter.

(3) "Applied research" means research directed at gaining the knowledge or understanding necessary to meet a specific and recognized need, including the discovery of new scientific knowledge that has specific objectives relating to products or processes.

(4) "Eligible institution" means an institution of higher education, as that term is defined by Section 61.003, Education Code, that is designated as an eligible institution under Section 46.002(e).

Sec. 46.002. ADMINISTRATION; GUIDELINES AND PROCEDURES.

(a) The department shall develop, maintain, and administer the agri-tech program to provide support for eligible institutions to conduct research projects on methods to address agricultural crises in this state.

(b) In awarding funds to support projects under this chapter, the department shall:

(1) give priority to applied research projects that the commissioner determines to be necessary to address an immediate agricultural crisis; and

(2) consider the recommendations of the Commodity Crisis Council for specific projects.

(c) The department shall award funds to support projects as needed to address agricultural crises in this state.

(d) The department shall develop and maintain guidelines and procedures to provide awards under this chapter for specific projects at eligible institutions on a competitive, peer-review basis.

(e) The department shall determine whether an institution of higher education qualifies as an eligible institution for the purposes of this chapter. To be designated as an eligible institution, an institution of higher education must demonstrate an exceptional capability to attract federal, state, and private funding for scientific and technical research and have an exceptionally strong research staff and the necessary equipment and facilities.

(f) In considering projects for selection, the commissioner shall give special consideration to projects that:

(1) leverage funds from other sources; and

(2) propose innovative, collaborative efforts:

(A) across academic disciplines;

(B) involving two or more eligible institutions; or

(C) involving eligible institutions, private industry, and the federal government.

(g) The commissioner may adopt rules necessary to accomplish the purposes of this chapter.

Sec. 46.003. AGRICULTURAL TECHNOLOGY ACCOUNT. (a) The agricultural technology account is an account in the general revenue fund.

(b) The agricultural technology account consists of legislative appropriations, gifts and grants received under Subsection (c), and other money required by law to be deposited in the account.

(c) The department may solicit and accept gifts in kind and grants of money from the federal government, local governments, private corporations, or other persons to be used for the purposes of this chapter.

(d) Funds in the agricultural technology account may be used only as provided by this chapter. The account is exempt from the application of Section 403.095, Government Code.

(e) Income from money in the account shall be credited to the account.
Sec. 46.004. USE OF FUNDS IN AGRICULTURAL TECHNOLOGY ACCOUNT. (a) From funds appropriated for the agri-tech program, the comptroller shall issue warrants to each eligible institution in the amount certified by the department to the comptroller.

(b) Funds awarded from the agricultural technology account may be expended to support the particular research project for which the award is made and may not be expended for the general support of research and instruction at the institution conducting or sponsoring the project or for the construction or remodeling of a facility.

(c) Funds in the agricultural technology account shall be used, when practicable within the purposes of this chapter, to match grants provided by the federal government or private industry for specific collaborative research projects at eligible institutions.

(d) Supplies, materials, services, and equipment purchased with funds obtained under this section are not subject to State Purchasing and General Services Commission authority.

Sec. 46.005. PROGRESS REPORTS. An institution receiving funds under this chapter shall report on the progress of the funded research to the department not later than September 1 of each year.

Sec. 46.006. MERIT REVIEW. The commissioner shall appoint a committee consisting of representatives of the agricultural industry and of private enterprise advanced technology research organizations to evaluate the agri-tech program's effectiveness. The committee shall report its findings to the department not later than September 1 of the second year of each biennium."

(2) Renumber subsequent SECTIONS appropriately.

(3) Amend the caption to conform to the body of the bill.

Senate Amendment No. 4

Amend **HB 3050**, 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."

Senate Amendment No. 5

Amend the Ratliff Amendment to **HB 3050** by striking SECTION _____, as added by the amendment, and substitute the following:

SECTION _____. Section 7 of this Act, adding Chapter 46, Agriculture Code, takes effect only if a specific appropriation for the implementation of that section 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, Section 7 of this Act, adding Chapter 46, Agriculture Code, has no effect.

HB 3081 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3081, A bill to be entitled An Act relating to the seizure of a work of fine art.

On motion of Representative Telford, the house concurred in the senate amendments to **HB 3081**.

Senate Committee Substitute

CSHB 3081, A bill to be entitled An Act relating to preventing the seizure of a work of fine art when en route to or in an exhibition.

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

SECTION 1. Chapter 61, Civil Practice and Remedies Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. WORKS OF FINE ART

Sec. 61.081. EXEMPTION WHEN EN ROUTE TO OR IN AN EXHIBITION. (a) Subject to the limitations of this section, a court may not issue and a person may not serve any process of attachment, execution, sequestration, replevin, or distress or of any kind of seizure, levy, or sale on a work of fine art while it is:

(1) en route to an exhibition; or

(2) in the possession of the exhibitor or on display as part of the exhibition.

(b) The restriction on the issuance and service of process in Subsection (a) applies only for a period that:

(1) begins on the date that the work of fine art is en route to an exhibition; and

(2) ends on the earlier of the following dates:

(A) six months after the date that the work of fine art is en route to the exhibition; or

(B) the date that the exhibition ends.

(c) Subsection (a) does not apply to a work of fine art if, at any other time, issuance and service of process in relation to the work has been restricted as provided by Subsection (a).

(d) Subsection (a) does not apply if theft of the work of art from its owner is alleged and found proven by the court.

(e) A court shall, in issuing service of process described by Subsection (a), require that the person serving the process give notice to the exhibitor not less than seven days before the date the period under Subsection (b) ends of the person's intent to serve process.

(f) In this section, "exhibition" means an exhibition:

(1) held under the auspices or supervision of:

(A) an organization exempt from federal income tax under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt organization in Section 501(c)(3) of the code; or

(B) a public or private institution of higher education;

(2) held for a cultural, educational, or charitable purpose; and

(3) not held for the profit of the exhibitor.

Sec. 61.082. HANDLING AND TRANSPORTATION. A court may not issue any process of attachment, execution, sequestration, replevin, or distress or of any kind of seizure, levy, or sale on a work of fine art unless the court requires, as part of the order authorizing the process, that the work of fine art is handled and transported in a manner that complies with the accepted standards of the artistic community for works of fine art, including, if appropriate, measures relating to the maintenance of proper environmental conditions, proper maintenance, security, and insurance coverage.

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

HB 3130 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3130, A bill to be entitled An Act relating to the judges empowered to waive the waiting period for a marriage ceremony.

On motion of Representative Chisum, the house concurred in the senate amendments to **HB 3130**.

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

Amend **HB 3130** as follows:

On page 1, line 14, after "the judge shall sign the waiver.", insert the following:

"Notwithstanding any other provision of law, a judge under this section has the authority to sign a waiver under this section."

HB 3300 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 3300, A bill to be entitled An Act relating to limits on eminent domain, a code of conduct, and the board of directors for sports and community venue districts in certain populous counties.

On motion of Representative Coleman, the house concurred in the senate amendments to **HB 3300**.

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

Amend **HB 3300** as follows:

(1) On page 8, line 11 insert "whole or in part in" after "in" and before "a".

(2) On page 8, line 22 insert "on which either the two year term of office expires or" after "date" and before "a".

Senate Amendment No. 2 (Senate Committee Amendment No. 2)

Amend **HB 3300** as follows:

Delete all of subsection c on page 2, lines 8 through 14 and replace it with a new subsection c as follows:

(c) Notwithstanding any other provision of this chapter, a district may not own or acquire real property by eminent domain or any other method unless the property is for a facility site or related infrastructure as part of an approved venue project.

Senate Amendment No. 3 (Senate Committee Amendment No. 3)

Amend **HB 3300** as follows:

(1) On page 9, between lines 12 and 13 (House Engrossment), insert the following appropriately numbered new section and renumber subsequent sections appropriately:

SECTION _____. Section 335.054, Local Government Code, is amended by adding new Subsection (e) as follows:

(e) Notwithstanding Subsections (c) and (d) of this section, if a district is presently collecting taxes from one or more methods of financing and seeks to use a portion of the revenue from the tax or taxes to finance the venue project and does not seek to change the rate of tax or taxes, the ballot at the election or elections held under this section must be printed to permit voting for or against the proposition: "Authorizing (insert name of district) to (insert description of venue project) using a portion of existing (insert type of tax or taxes) tax for the purpose of financing the project."

**HB 3467 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative J. Solis called up with senate amendments for consideration at this time,

HB 3467, A bill to be entitled An Act relating to the disposition of the proceeds of fines collected for overweight vehicles.

On motion of Representative J. Solis, the house concurred in the senate amendments to **HB 3467**.

Senate Amendment No. 1

Amend **HB 3467** as follows:

In SECTION 1 of the bill, amend Section 621.506(g), Transportation Code on page 1, line 19, SENATE COMMITTEE PRINT, by inserting "for the purposes of road maintenance" between "deposited" and "in".

**HB 3515 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 3515, A bill to be entitled An Act relating to the nature of certain contracts included in the cash price of motor vehicles sold at retail.

On motion of Representative Marchant, the house concurred in the senate amendments to **HB 3515**.

Senate Committee Substitute

CSHB 3515, A bill to be entitled An Act relating to the nature of certain contracts included in the cash price of motor vehicles sold at retail.

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

SECTION 1. Section 348.202(a), Finance Code, is amended by adding a new Subsection (b) and by amending current Subsection (b) to read as follows:

"(b) As additional protection for the contract, a seller may offer involuntary unemployment insurance to the buyer at the time the contract is executed.

"(c) [(b)] A holder may include the cost of insurance provided under Subsection (a) or (b) as a separate charge in the contract.

SECTION 2. Section 348.208, Finance Code, is amended by adding Subsection (c) to read as follows:

(c) Notwithstanding other law, a warranty or service contract sold by the retail seller of a motor vehicle to a retail buyer is not insurance.

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 3515 - VOTE RECONSIDERED

Representative Marchant moved to reconsider the vote by which the house concurred in senate amendments to **HB 3515**.

The motion to reconsider prevailed.

HB 3515, A bill to be entitled An Act relating to the nature of certain contracts included in the cash price of motor vehicles sold at retail.

On motion of Representative Marchant, the house concurred in the senate amendments to **HB 3515** by (Record 441): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek;

Jones, 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; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

**HB 3620 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative R. Lewis called up with senate amendments for consideration at this time,

HB 3620, A bill to be entitled An Act relating to the exchange and conveyance of lands by certain navigation districts.

Representative R. Lewis 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 3620**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3620**: R. Lewis, chair, Hamric, Cook, Walker, and Counts.

**HB 3693 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3693, A bill to be entitled An Act relating to certification under the state Medicaid program of nursing home beds in certain nursing facilities.

Representative Hunter 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 3693**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3693**: Hunter, chair, Naishtat, J. Davis, Chavez, and Van de Putte.

**HB 3697 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

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

Representative Siebert 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 3697**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3697**: Siebert, chair, Eiland, Brimer, Bailey, and Ritter.

**HB 3793 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 3793, A bill to be entitled An Act relating to the authority of the Brazos River Authority to contract with certain persons, to manage property of the authority, and to issue bonds for and otherwise finance services, facilities, or works of the authority.

Representative Averitt 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 3793**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3793**: Averitt, chair, Counts, Dunnam, R. Lewis, and Wohlgemuth.

**HJR 95 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Gray, the house concurred in the senate amendments to **HJR 95** by (Record 442): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goodman;

Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, 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; Noriega; Oliveira; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Driver; Jones, C.; Jones, D.; Nixon; Smithee.

Senate Amendment No. 1

Amend **HJR 95** by striking all below the resolving clause and substituting the following:

SECTION 1. Section 30, Article XVI, Texas Constitution, is amended by adding Subsection (e) to read as follows:

(e) If the legislature establishes an office, known as the office of the adjutant general or known by another title, that is filled by appointment by the governor and that is the single governing office, subordinate only to the governor, of the state military forces, the person holding that office serves at the pleasure of the governor notwithstanding Subsection (a) of this section or any time limit prescribed by other law.

SECTION 2. The following temporary provision is added to the Texas Constitution:

TEMPORARY PROVISION. (a) This temporary provision applies to the constitutional amendment proposed by the 76th Legislature, Regular Session, 1999, that provides that the adjutant general serves at the pleasure of the governor.

(b) The person who holds office as the adjutant general on the effective date of that constitutional amendment is subject to that amendment.

(c) This temporary provision expires February 1, 2001.

SECTION 3. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to provide that the adjutant general serves at the pleasure of the governor."

HB 1833 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 1833, A bill to be entitled An Act relating to the issuance of a personal identification certificate to a justice of the peace or municipal court judge by the Department of Public Safety.

Representative Counts 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 1833**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1833**: Counts, chair, Hinojosa, Capelo, Deshotel, and Garcia.

HB 820 - VOTE RECONSIDERED

Representative Naishtat moved to reconsider the vote by which the house concurred in senate amendments to **HB 820**.

The motion to reconsider prevailed.

HB 820, A bill to be entitled An Act, relating to review of certain children's continued eligibility for medical assistance.

On motion of Representative Naishtat, the house concurred in the senate amendments to **HB 820**.

HB 1933 - VOTE RECONSIDERED

Representative G. Lewis moved to reconsider the vote by which the house concurred in senate amendments to **HB 1933** yesterday.

The motion to reconsider prevailed.

HB 1933 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

Representative G. Lewis called up with senate amendments for consideration at this time,

HB 1933, A bill to be entitled An Act relating to allowing a county clerk to impose a fee for certain background checks.

Representative G. Lewis 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 1933**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1933**: G. Lewis, chair, Ramsay, Farabee, Salinas, and Chisum.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Economic Development, on adjournment today, Desk 124, for a formal meeting, to consider **SB 394** and **SB 1151**.

Criminal Jurisprudence, on adjournment today, Desk 12, for a formal meeting, to consider **SB 128**.

ADJOURNMENT

Representative Goolsby moved that the house adjourn until 1:30 p.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 8:27 p.m., adjourned until 1:30 p.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HCR 286 (by Gallego), Honoring the men and women who provided assistance and aid during the 1998 Del Rio flood.

To Rules & Resolutions.

HR 1044 (by Bailey), In memory of legendary Texas fiddler Leon "Pappy" Selph.

To Rules & Resolutions.

HR 1045 (by Bailey), In memory of Robert Nelson Beard of Houston.

To Rules & Resolutions.

HR 1046 (by Bailey), Commending Elvin Franklin, Jr., for his outstanding contributions to his profession and his community.

To Rules & Resolutions.

HR 1047 (by Bailey), Honoring Officer Clarence Robin Kirk.

To Rules & Resolutions.

HR 1049 (by Hodge), Congratulating David William Payne I and Jilleyne Payne on the birth of David William Payne II.

To Rules & Resolutions.

HR 1050 (by Wise), Congratulating Ana Irene Garcia on her graduation from The University of Texas.

To Rules & Resolutions.

HR 1051 (by Wise), Honoring Carmen Yadira Rincon for being the 1999 valedictorian at Pharr-San Juan-Alamo Memorial High School.

To Rules & Resolutions.

HR 1052 (by Wise), Honoring Vanessa Marquez for being the 1999 valedictorian at Weslaco High School.

To Rules & Resolutions.

HR 1053 (by Wise), Honoring Nadia M. Saenz for being the 1999 valedictorian at Donna High School.

To Rules & Resolutions.

HR 1054 (by Wise), Honoring Liza Maldonado for being the 1999 valedictorian at Progreso High School.

To Rules & Resolutions.

HR 1055 (by Wise), Honoring Catherine Victoria Lopez for being the 1999 salutatorian at Pharr-San Juan-Alamo Memorial High School.

To Rules & Resolutions.

HR 1056 (by Wise), Honoring Christina Amanda De Leon for being the 1999 salutatorian at Pharr-San Juan-Alamo North High School.

To Rules & Resolutions.

HR 1057 (by Wise), Honoring Kelly Greenwood for being the 1999 salutatorian at Weslaco High School.

To Rules & Resolutions.

HR 1058 (by Wise), Honoring Elisa G. Morales for being the 1999 salutatorian at Donna High School.

To Rules & Resolutions.

HR 1059 (by Wise), Honoring Cathryn R. Steele for being the 1999 salutatorian at Med High School.

To Rules & Resolutions.

HR 1060 (by Wise), Honoring Rogelio Rivera, Jr., for being the 1999 valedictorian at Pharr-San Juan-Alamo High School.

To Rules & Resolutions.

HR 1061 (by Wise), Honoring Elpidio Rodriguez for being the 1999 valedictorian at Pharr-San Juan-Alamo North High School.

To Rules & Resolutions.

HR 1062 (by Wise), Honoring Carlos A. Lopez for being the 1999 valedictorian at Mercedes High School.

To Rules & Resolutions.

HR 1063 (by Wise), Honoring Gordon Niamatali for being the 1999 valedictorian at Med High School.

To Rules & Resolutions.

HR 1064 (by Wise), Honoring Abelardo Bourboise for being the 1999 valedictorian at Science Academy of South Texas.

To Rules & Resolutions.

HR 1065 (by Wise), Honoring Mike Regalado for being the 1999 salutatorian at Pharr-San Juan-Alamo High School.

To Rules & Resolutions.

HR 1066 (by Wise), Honoring Carlos Garza for being the 1999 salutatorian at Mercedes High School.

To Rules & Resolutions.

HR 1067 (by Wise), Honoring Jose Martinez, Jr., for being the 1999 salutatorian at Progreso High School.

To Rules & Resolutions.

HR 1068 (by Wise), Honoring Benjamin Trevino for being the 1999 salutatorian at Science Academy of South Texas.

To Rules & Resolutions.

HR 1070 (by Gutierrez), Honoring the Reverend Buddy Owens for his dedication to the Rio Grande Children's Home.

To Rules & Resolutions.

SB 706 to Agriculture & Livestock.

SCR 76 to State, Federal & International Relations.

SCR 79 to Juvenile Justice & Family Issues.

SCR 83 to Rules & Resolutions.

SIGNED BY THE SPEAKER

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

House List No. 59

HB 57, HB 79, HB 110, HB 302, HB 494, HB 633, HB 751, HB 865, HB 897, HB 907, HB 908, HB 958, HB 1024, HB 1041, HB 1051, HB 1058, HB 1068, HB 1075, HB 1285, HB 1387, HB 1409, HB 1459, HB 1516, HB 1552, HB 1660, HB 1681, HB 1689, HB 1779, HB 1797, HB 1804, HB 1837, HB 1839, HB 2004, HB 2013, HB 2021, HB 2037, HB 2205, HB 2246, HB 2284, HB 2313, HB 2453, HB 2461, HB 2614, HB 2636, HB 2660, HB 2671, HB 2685, HB 2725, HB 2802, HB 2840, HB 2846, HB 2926, HB 2965, HB 2966, HB 3161, HB 3224, HB 3256, HB 3295, HB 3338, HB 3418, HB 3420, HB 3423, HB 3600, HB 3694, HB 3818, HCR 18, HJR 71

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 21

Civil Practices - **SB 274, SB 378, SB 776**

Criminal Jurisprudence - **SB 6, SB 41, SB 326, SB 480, SB 1100, SB 1409**

Insurance - **SB 899, SB 1084**

Judicial Affairs - **SB 71, SB 229, SB 788, SB 917, SB 1001, SB 1007, SB 1150, SB 1163, SB 1553, SB 1726, SB 1860, SCR 12, SCR 14, SJR 10**

Juvenile Justice & Family Issues - **SB 644**

Land & Resource Management - **SB 1896**

Natural Resources - **SB 272, SB 657**

Pensions & Investments - **SB 1130**

Public Education - **SB 4, SB 104, SB 225, SB 576, SB 870, SB 955, SB 1026, SB 1572, SB 1617**

Public Health - **SB 941, SB 1889, SB 1906, SCR 75**

Transportation - **SB 193, SB 1098, SB 1751**

Urban Affairs - **SB 568**

Ways & Means - **SB 5, SB 9, SB 58, SB 329, SB 441, SB 693, SB 694, SB 783, SB 1209, SB 1461, SB 1464**

ENROLLED

May 21 - HB 79, HB 110, HB 134, HB 362, HB 442, HB 494, HB 625, HB 633, HB 751, HB 765, HB 811, HB 865, HB 897, HB 907, HB 919, HB 923, HB 958, HB 1024, HB 1041, HB 1051, HB 1058, HB 1068, HB 1075, HB 1341, HB 1409, HB 1459, HB 1479, HB 1492, HB 1535, HB 1552, HB 1660, HB 1661, HB 1662, HB 1663, HB 1681, HB 1689, HB 1779, HB 1797, HB 1804, HB 1826, HB 1837, HB 1839, HB 1840, HB 1912, HB 1980, HB 2004, HB 2013, HB 2021, HB 2037, HB 2136, HB 2140, HB 2170, HB 2196, HB 2284, HB 2313, HB 2359, HB 2453, HB 2461, HB 2509, HB 2614, HB 2636, HB 2671, HB 2685, HB 2725, HB 2752, HB 2768, HB 2802, HB 2840, HB 2846, HB 2926, HB 2965, HB 3042, HB 3138, HB 3256, HB 3263, HB 3295, HB 3418, HB 3420, HB 3423, HB 3600, HB 3635, HB 3815, HB 3818, HCR 18, HCR 19, HCR 134, HCR 244, HCR 282, HCR 283, HJR 71

SIGNED BY THE GOVERNOR

May 21 - HB 88, HB 152, HB 234, HB 264, HB 436, HB 510, HB 558, HB 614, HB 888, HB 1063, HB 1149, HB 1174, HB 1207, HB 1209, HB 1254, HB 1373, HB 1413, HB 1495, HB 1744, HB 2067, HB 2442, HB 2719, HB 3561, HCR 245