

# HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

EIGHTY-SIXTH DAY — FRIDAY, MAY 28, 1999

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

The roll of the house was called and a quorum was announced present (Record 509).

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

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

The invocation was offered by Tom Heath, Trinity Baptist Church, Grand Prairie.

### **LEAVE OF ABSENCE GRANTED**

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

Corte on motion of Hunter.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Merritt who presented Dr. Michael McShan of Kilgore as the "Doctor for the Day."

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

### **HR 975 - ADOPTED (by J. Davis)**

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HR 975**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 975**, Honoring Andrew Cedric Rihn for achieving the rank of Eagle Scout.

**HR 975** was read and was adopted without objection.

#### **INTRODUCTION OF GUESTS**

The speaker recognized Representative J. Davis, who introduced Andrew Cedric Rihn and his family.

#### **HR 1278 - ADOPTED (by Alexander)**

Representative Alexander moved to suspend all necessary rules to take up and consider at this time **HR 1278**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1278**, Congratulating the winners of the 1998-1999 Keep Texas Beautiful Governor's Community Achievement Awards.

**HR 1278** was read and was adopted without objection.

#### **HR 1276 - ADOPTED (by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 1276**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1276**, Congratulating house photographer Jeffrey Allen Wilson and Cassandra Wilson on their recent marriage.

**HR 1276** was read and was adopted without objection.

#### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Goolsby, who introduced Jeff and Casey Wilson and their daughter Manon Paige.

#### **HR 1277 - ADOPTED (by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 1277**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1277**, Honoring House Photographer Kirsten Louise Anderson-Kuninger and Anthony Chadwick Kuninger on their recent marriage.

**HR 1277** was read and was adopted without objection.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Goolsby, who introduced Kirsten Louise Anderson-Kuninger and Anthony Chadwick Kuninger.

**HR 1279 - ADOPTED  
(by Pickett)**

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 1279**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1279**, Celebrating the birth of Andrew Wilson Stokes.

**HR 1279** was adopted without objection.

**HR 1280 - ADOPTED  
(by Pickett)**

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 1280**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1280**, Celebrating the birth of David Michael Ash, Jr.

**HR 1280** was adopted without objection.

**HR 1281 - ADOPTED  
(by Pickett)**

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 1281**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1281**, Honoring Fred Loya for being appointed chairperson of the International Committee of the YMCA of the USA.

**HR 1281** was adopted without objection.

**HR 1282 - ADOPTED  
(by Hodge)**

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 1282**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1282**, Congratulating Steve Allan Pizana on his high school graduation.

**HR 1282** was adopted without objection.

**HR 1283 - ADOPTED**  
**(by Staples)**

Representative Staples moved to suspend all necessary rules to take up and consider at this time **HR 1283**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1283**, In memory of Jack Williams of Tennessee Colony.

**HR 1283** was unanimously adopted by a rising vote.

**HR 1240 - ADOPTED**  
**(by Hochberg)**

Representative Hochberg moved to suspend all necessary rules to take up and consider at this time **HR 1240**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1240**, Commending Ms. Joyce M. Moore for 31 years of service with Petersen Elementary School in Houston.

**HR 1240** was adopted without objection.

(Edwards in the chair)

**HR 1265 - ADOPTED**  
**(by Olivo)**

The following privileged resolution was laid before the house:

**HR 1265**

BE IT RESOLVED by the House of Representatives of the State of Texas, 76th Legislature, Regular Session, 1999, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on House Bill No. 3470, relating to the creation of a Parents as Scholars pilot program for certain persons eligible to receive TANF benefits, to consider and take action on the following matters:

(1) House Rule 13, Sections 9(a)(1), (2), and (4), are suspended to permit the committee to omit text that is not in disagreement, to change text that is not in disagreement, and to add text on a matter that is not included in either the house or senate version of the bill, so that added Section 31.045(a), Human Resources Code, reads as follows:

(a) The department may by rule establish a student financial aid pilot program, entitled the Parents as Scholars pilot program, under which the department, with the cooperation of the Texas Higher Education Coordinating Board, assists certain recipients of financial assistance in obtaining student financial aid available under Subchapter M, Chapter 56, Education Code. If the department establishes the program, the department and the coordinating board must comply with the requirements of this section.

Explanation: This change is necessary to reflect the modification of the program from one in which a welfare recipient receives student financial aid provided by the Texas Department of Human Services in lieu of financial assistance under the Temporary Assistance for Needy Families (TANF) program to a program in which a welfare recipient is assisted by the department in obtaining student financial aid available to the general population under Subchapter M, Chapter 56, Education Code, as added by H.B. No. 713, Acts of the 76th Legislature, Regular Session, 1999. The new text also makes a change by providing that the department is not required to establish the program.

(2) House Rule 13, Sections 9(a)(1), (3), and (4), are suspended to permit the committee to substitute "a program participant meet" for "the person satisfy" and to add "at the time that the person begins participation in the program" and "the eligibility requirements for a TEXAS grant under Subchapter M, Chapter 56, Education Code", so that added Section 31.045(b)(1), Human Resources Code, reads as follows:

(1) require that a program participant meet:

(A) the eligibility criteria for financial assistance at the time that the person begins participation in the program; and

(B) the eligibility requirements for a TEXAS grant under Subchapter M, Chapter 56, Education Code;

Explanation: This change is necessary to reflect the requirement that a welfare recipient must comply with the eligibility requirements under Subchapter M, Chapter 56, Education Code, to be able to receive student financial aid under that subchapter, and to reflect the fact that a welfare recipient eligible under that subchapter may continue to receive student financial aid after the person ceases receiving welfare. This change also makes technical language changes to provide consistency throughout the bill.

(3) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text in added Section 31.045(b), Human Resources Code, that is not in disagreement. The omitted text reads as follows:

(2) prohibit a person who possesses a bachelor's degree from any public or private institution of higher education from participating in the program;

Explanation: This change is necessary because the omitted language is no longer necessary. The requirement duplicates a requirement contained in Subchapter M, Chapter 56, Education Code, as added by H.B. No. 713, Acts of the 76th Legislature, Regular Session, 1999.

(4) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text that is not in disagreement by substituting "program participant seek an undergraduate degree or certificate" for "person seek a postsecondary degree" and by substituting "participant's" for subsequent references to "person's" in the subsection, so that added Section 31.045(b)(2), Human Resources Code, reads as follows:

(2) require that the program participant seek an undergraduate degree or certificate that the department, in cooperation with the Texas Higher Education Coordinating Board, considers likely to improve the participant's ability to obtain employment in the participant's local labor market; and

Explanation: This change is necessary to conform the language of the bill to the language of Subchapter M, Chapter 56, Education Code, as added by H.B. No. 713, Acts of the 76th Legislature, Regular Session, 1999.

(5) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text that is not in disagreement by substituting "program participants" for "persons" and by substituting "undergraduate degree or certificate" for "postsecondary degree" in added Section 31.045(b)(3), Human Resources Code.

Explanation: This change is necessary for the reason stated in Item (4) of this resolution.

(6) House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text on a matter that is not included in either the house or senate version of the bill. The added text reads as follows:

(c) Under the program, the department shall:

(1) advise recipients of financial assistance of:

(A) the availability of financial aid under Subchapter M, Chapter 56, Education Code, and the eligibility requirements for that aid;

(B) the need for recipients who are high school students to make informed curriculum choices to be prepared for success beyond high school;

(C) sources of information on higher education admissions and financial aid; and

(D) eligibility criteria and application procedures for participation in the program; and

(2) assist a recipient chosen to participate in the program in obtaining financial aid available under Subchapter M, Chapter 56, Education Code.

(d) A program participant who obtains financial aid available under Subchapter M, Chapter 56, Education Code, may continue to receive financial aid as provided by that subchapter, regardless of whether the participant ceases to receive financial assistance.

(e) The department may cooperate with the Legislative Oversight Committee under Section 56.311, Education Code, by providing information relating to program participants receiving financial aid under Subchapter M, Chapter 56, Education Code, that is necessary for the committee to perform its duty of monitoring the financial aid programs established under that subchapter.

(f) The department and the Texas Higher Education Coordinating Board shall jointly develop procedures necessary for administration of the program, including procedures for:

(1) determining and monitoring a program participant's initial and continuing eligibility for financial aid under Subchapter M, Chapter 56, Education Code;

(2) providing appropriate information to financial aid officers of institutions of higher education; and

(3) exchanging all necessary information between the department and the coordinating board, including copies of rules adopted by the coordinating board relating to the administration of the financial aid programs under Subchapter M, Chapter 56, Education Code.

...

(h) This section takes effect only if H.B. 713, Acts of the 76th Legislature, Regular Session, 1999, is enacted and becomes law. If this section takes effect, it expires September 1, 2003.

Explanation: This change is necessary to reflect the modification of the program, as described in Item (1) of this resolution.

(7) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit text that is not in disagreement. The omitted text reads as follows:

(e) The department shall fund the program from state funds specifically appropriated for that purpose or from other state funds otherwise available to the department for the program. The department may accept gifts and grants from public or private sources to be used to fund the program. The department shall establish and administer the program in such a manner that money spent under the program is included in determining the state's compliance with federal maintenance of effort requirements under Part A, Title IV, Social Security Act (42 U.S.C. Section 601 et seq.).

Explanation: This change is necessary because the omitted language is no longer necessary. As a result of the modification of the program, as described in Item (1) of this resolution, the student financial aid will be provided under Subchapter M, Chapter 56, Education Code, as added by H.B. 713, Acts of the 76th Legislature, Regular Session, 1999, and the reference to federal maintenance of efforts requirements is not appropriate in that context.

(8) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change text that is not in disagreement in added Section 31.045(g), Human Resources Code, by substituting "2001" for "2003" and by substituting "financial assistance" for "Temporary Assistance for Needy Families (TANF) benefits".

Explanation: This change is necessary to provide for an earlier date by which the Texas Department of Human Services must submit a report concerning the program and to provide for consistent use of terminology in the bill.

**HR 1265** was adopted without objection.

**SCR 86 - ADOPTED**  
**(Noriega - House Sponsor)**

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **SCR 86**.

The motion prevailed without objection.

The following resolution was laid before the house:

**SCR 86**, honoring the life of Officer Troy Alan Blando.

**SCR 86** was unanimously adopted by a rising vote.

(Speaker in the chair)

**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 Nos. 67 and 68).

(Speaker pro tempore in the chair)

**CONGRATULATORY AND MEMORIAL CALENDAR**

The following memorial resolutions were laid before the house:

**SCR 74** (Crownover - House Sponsor), In memory of W. Tip Hall.

**HR 580** was withdrawn.

**HR 959** (by Uresti), In memory of members of VFW Post 9186.

**HR 979** (by Hilderbran), In memory of Frank Peter Zoch III.

**HR 980** (by Hilderbran), In memory of John Leslie Sherman of Kerrville.

**HR 990** (by Counts), In memory of Carl W. Willingham.

**HR 992** (by Gallego), In memory of William "Bill" Christopher.

**HR 1007** (by Counts), In memory of Johnny Morris Moore of Sweetwater.

**HR 1034** (by McClendon), In memory of Robert "Bob" Wells of San Antonio.

**HR 1097** (by Deshotel), In memory of Herbert Martin.

The resolutions were unanimously adopted by a rising vote.

The following congratulatory resolutions were laid before the house:

**HCR 286** (by Gallego), Honoring the men and women who provided assistance and aid during the 1998 Del Rio flood.

**HCR 294** was withdrawn.

**SCR 26** (by Denny), Commending the Texas Federation of Republican Women.

**SCR 58**, Congratulating the Atlanta Independent School District.

**SCR 60** was previously adopted.

**SCR 61** (Berman - House Sponsor), Congratulating Dr. George Anderson Hurst of Tyler.

**SCR 71** (Smithee - House Sponsor), Recognizing November, 1999, as Pancreatic Cancer Awareness Month.

**HR 694** (by Deshotel), Commending Huntsman Corporation's Oxides and Olefins Plant in Port Neches for its commitment to safety.

**HR 949** (by Counts), Honoring Russell S. Yorgesen for his service as a member of the board of directors for the Colorado River Municipal Water District.

**HR 957** was withdrawn.

**HR 958** (by McClendon), Honoring the Reverend Herman Baity and Mrs. Delphine Baity on the occasion of their 60th wedding anniversary.



**HR 960** (by Uresti), Honoring Ruben A Corkill for his achievements as an educator.

**HR 961** (by Uresti), Commending Dr. Anthony Constanzo for his contributions as an educator.

**HR 962** (by Uresti), Honoring Dr. Robert I. Solenberger for his outstanding commitment to medicine and his country.

**HR 963** (by Uresti), Commending Superintendent Jack Jordan for his outstanding dedication to the Harlandale Independent School District.

**HR 964** (by Uresti), Honoring Dr. Ann Dixon for her many professional achievements and civic contributions.

**HR 965** (by Uresti), Honoring Robert Zamora for his many years of service to Texas education.

**HR 966** (by Marchant), Honoring Richard J. Lee Elementary School in Coppell.

**HR 967** (by Marchant), Honoring the Independent Bankers Association of Texas.

**HR 968** (by Marchant), Honoring Reverend David G. Roland for receiving an honorary doctorate of divinity degree from Mid-America Nazarene College.

**HR 969** (by Marchant), Honoring the 25th anniversary of the William T. Cozby Public Library in Coppell.

**HR 970** (by Marchant), Honoring Billy J. Webster for his outstanding military service during World War II.

**HR 971** (by Marchant), Congratulating Sulphur Springs Church of the Nazarene on its 75th anniversary.

**HR 973** (by Counts), Commending Ms. Gladys Gerst for her many years of service to the city of Sweetwater.

**HR 975** was previously adopted.

**HR 976** (by J. Davis), Honoring John Bryan for his 35 years as a dedicated educator and coach.

**HR 978** was withdrawn.

**HR 981** (by Y. Davis), Honoring Future Speak, a student-designed weekly newspaper distributed by The Dallas Examiner.

**HR 984** (by Dukes), Congratulating Wilhelmina Ruth Fitzgerald Delco on being named a "Legend of Texas."

**HR 989** (by Van de Putte), Honoring Christi Cano of Edison High School in San Antonio for winning the 1999 UIL Class 4A state individual golf title.

**HR 993** (by Gallego, Pickett, Haggerty, P. Moreno, and Najera), Commending Justin Ormsby for his tenure as executive director of the Rio Grande Council of Governments.

**HR 994** (by Gallego), Honoring Irene Cardenas Cardwell for her outstanding contributions to education and her community and celebrating the dedication of the Irene C. Cardwell Elementary School.

**HR 995** (by Gallego), Honoring the citizens of Alpine on their visit to the State Capitol on May 21, 1999.

**HR 996** (by Haggerty), Congratulating John C. Ennis on his motorcycle racing skills.

**HR 1006** (by Counts), Honoring Charles and Betty Baker for being recognized as Munday's Citizens of the Century.

**HR 1021** (by Pitts), Congratulating Reverend Paul Brooks and Patricia Brooks on their 25th wedding anniversary.

**HR 1027** (by Hunter), Honoring Bob Wakefield on the occasion of his retirement as the chief juvenile probation officer of the Juvenile Justice Center in Abilene.

**HR 1033** (by Shields), Honoring the Odyssey of the Mind team from Barbara Bush Middle School.

**HR 1035** (by P. Moreno), Commemorating the centennial of El Paso's Alamo Elementary School.

**HR 1036** (by P. Moreno), Congratulating Hazelle A. "Aunt Hay" Pulliam on her 80th birthday.

**HR 1037** (by Gutierrez), Honoring the 60th anniversary of the Junior League of McAllen.

**HR 1038** (by Gutierrez), Congratulating Napper Elementary School in Pharr, Texas, on being named a Blue Ribbon School.

**HR 1039** (by Gutierrez), Honoring Dr. Fred Farias for being named Young Optometrist of the Year by the Texas Optometric Association.

**HR 1041** (by Van de Putte), Honoring Keith Andrew Goodale for attaining the rank of Eagle Scout.

**HR 1049** (by Hodge), Congratulating David William Payne I and Jilleyne Payne on the birth of David William Payne II.

**HR 1050** (by Wise), Congratulating Ana Irene Garcia on her graduation from The University of Texas.

**HR 1051** (by Wise), Honoring Carmen Yadira Rincon for being the 1999 valedictorian at Pharr-San Juan-Alamo Memorial High School.

**HR 1052** (by Wise), Honoring Vanessa Marquez for being the 1999 valedictorian at Weslaco High School.

**HR 1053** (by Wise), Honoring Nadia M. Saenz for being the 1999 valedictorian at Donna High School.

**HR 1054** (by Wise), Honoring Liza Maldonado for being the 1999 valedictorian at Progreso High School.

**HR 1055** (by Wise), Honoring Catherine Victoria Lopez for being the 1999 salutatorian at Pharr-San Juan-Alamo Memorial High School.

**HR 1056** (by Wise), Honoring Christina Amanda De Leon for being the 1999 salutatorian at Pharr-San Juan-Alamo North High School.

**HR 1057** (by Wise), Honoring Kelly Greenwood for being the 1999 salutatorian at Weslaco High School.

**HR 1058** (by Wise), Honoring Elisa G. Morales for being the 1999 salutatorian at Donna High School.

**HR 1059** (by Wise), Honoring Cathryn R. Steele for being the 1999 salutatorian at Med High School.

**HR 1060** (by Wise), Honoring Rogelio Rivera, Jr., for being the 1999 valedictorian at Pharr-San Juan-Alamo High School.

**HR 1061** (by Wise), Honoring Elpidio Rodriguez for being the 1999 valedictorian at Pharr-San Juan-Alamo North High School.

**HR 1062** (by Wise), Honoring Carlos A. Lopez for being the 1999 valedictorian at Mercedes High School.

**HR 1063** (by Wise), Honoring Gordon Niamatali for being the 1999 valedictorian at Med High School.

**HR 1064** (by Wise), Honoring Abelardo Bourboise for being the 1999 valedictorian at Science Academy of South Texas.

**HR 1065** (by Wise), Honoring Mike Regalado for being the 1999 salutatorian at Pharr-San Juan-Alamo High School.

**HR 1066** (by Wise), Honoring Carlos Garza for being the 1999 salutatorian at Mercedes High School.

**HR 1067** (by Wise), Honoring Jose Martinez, Jr., for being the 1999 salutatorian at Progreso High School.

**HR 1068** (by Wise), Honoring Benjamin Trevino for being the 1999 salutatorian at Science Academy of South Texas.

**HR 1072** (by Williams), Congratulating The Woodlands High School track team on winning the 1999 UIL Class 5A state championship.

**HR 1073** (by Williams), Honoring The Woodlands High School Lady Highlanders golf team for winning the silver medal at the 1999 UIL Class 5A State High School Championship Golf Tournament.

**HR 1074** (by Williams), Honoring senior Katie Futcher of The Woodlands High School for winning the 1999 UIL Class 5A State High School Championship Golf Tournament.

**HR 1075** (by Truitt), Recognizing and honoring the accomplishments of Andrew Hickson.

**HR 1076** (by Truitt), Recognizing and honoring the accomplishments of Andrew Phelan.

**HR 1077** (by Truitt), Recognizing and honoring the accomplishments of Todd Hickson.

**HR 1078** (by Truitt), Congratulating Dr. Edgar Lancaster on his retirement from Baylor Medical Center at Grapevine.

**HR 1079** (by Truitt), Honoring the Prevention Promise program of Hurst-Euless-Bedford.

**HR 1082** (by R. Lewis), Honoring Vera Kirksey Lacy for her dedication to the students of Newton County.

**HR 1085** (by Craddick), Congratulating Lyle and Ethel Winje on their 50th wedding anniversary.

**HR 1086** (by Craddick), Congratulating O. R. and Viola Glenn on their 50th wedding anniversary.

**HR 1087** (by Craddick), Congratulating Charles and Vera Kimble of Midland on their 65th wedding anniversary.

**HR 1088** (by Craddick), Congratulating Jake and Helen Arnold on their 50th wedding anniversary.

**HR 1089** (by Craddick), Congratulating Tommy and Grace Balles on their 50th wedding anniversary.

**HR 1090** (by Craddick), Congratulating C. E. and Catherine Adams on their 64th wedding anniversary.

**HR 1092** (by Longoria), Commemorating the 25th Anniversary of the Southwest Voter Registration Education Project.

**HR 1099** (by Pitts), Honoring state employees who have worked on Y2K remediation for the state of Texas.

**HR 1100** (by McClendon), Congratulating Matthew William Adkisson on attaining the rank of Eagle Scout.

**HR 1101** (by McClendon), Congratulating Richard Stephen Allison on attaining the rank of Eagle Scout.

**HR 1105** (by Flores), Congratulating Mari Gonzalez on her recent election to public office.

**HR 1106** (by Flores), Congratulating Guadalupe Rangel, Jr., on his election to the La Villa Board of Aldermen.

**HR 1107** (by Flores), Congratulating Angie Garza on her recent election to public office.

**HR 1108** (by Flores), Congratulating Johnny Cuellar on his recent election.

**HR 1109** (by Flores), Congratulating Oscar Rios on his recent election.

**HR 1110** (by Flores), Congratulating Billy Leo on his recent election.

**HR 1111** (by Flores), Congratulating Celestino Ramirez on his recent election.

**HR 1112** (by Flores), Congratulating George Gonzalez on his recent election.

**HR 1113** (by Flores), Congratulating Victor Garcia on his recent election.

**HR 1114** (by Flores), Congratulating Jaime Cantu on his recent election.

**HR 1115** (by Flores), Congratulating Delmira Trevino on his recent election.

**HR 1116** (by Flores), Congratulating Ramiro Silva on his recent election.

**HR 1117** (by Flores), Congratulating Augustin Torres on his recent election.

**HR 1118** (by Flores), Congratulating Gregorio Madrigal on his recent election.

**HR 1119** (by Flores), Congratulating Reymundo Ruiz on his recent election.

**HR 1120** (by Flores), Congratulating Jose "Nievitos" Villalon on his recent election.

**HR 1121** (by Flores), Congratulating Gumaro Flores on his recent election.

**HR 1122** (by Flores), Honoring Hector Anthony Garcia for his academic achievements.

**HR 1123** (by Flores), Honoring Hoss Lozano of the Rio Hondo School Board.

**HR 1124** (by Flores), Honoring Thomas E. Wiesman of the Rio Hondo School Board.

**HR 1125** (by Flores), Honoring Lina R. Arredondo of the Rio Hondo School Board.

**HR 1126** (by Flores), Honoring Rolando Alfaro of the Rio Hondo School Board.

**HR 1127** (by Flores), Honoring Noemi Garza of the Rio Hondo School Board.

**HR 1128** (by Flores), Honoring Elisa Zuniga of the Rio Hondo School Board.

**HR 1129** (by Flores), Honoring Mike Ochoa of the Rio Hondo School Board.

**HR 1130** (by Flores), Honoring Evelia Morales of the La Villa Independent School District Board of Trustees.

**HR 1131** (by Flores), Honoring Ignacio Lopez, Jr., of the La Villa Independent School District Board of Trustees.

**HR 1132** (by Flores), Honoring Domingo Villareal, Jr., of the La Joya School Board.

**HR 1133** (by Flores), Honoring Elma Garza of the La Joya School Board.

**HR 1134** (by Flores), Honoring Amancio J. Chapa of the La Joya School Board.

**HR 1135** (by Flores), Honoring Carmen Ramirez of the La Joya School Board.

**HR 1136** (by Flores), Honoring Norma Lee Garza of the Mission School Board.

**HR 1137** (by Flores), Honoring Israel Sagredo of the Mission School Board.

**HR 1138** (by Flores), Honoring Ricardo Martinez of the Mission School Board.

**HR 1139** (by Flores), Honoring Connie Garza of the Mission School Board.

**HR 1140** (by Flores), Honoring Ruben Femat of the Mission School Board.

**HR 1141** (by Flores), Honoring Norie G. Garza of the Mission School Board.

**HR 1142** (by Flores), Honoring Ric Brown of the Mission School Board.

**HR 1143** (by Flores), Honoring Irene M. Garcia of the La Joya School Board.

**HR 1144** (by Flores), Honoring Linda P. Pereyra of the La Villa Independent School District Board of Trustees.

**HR 1145** (by Flores), Honoring Guadalupe C. Ramos of the La Villa Independent School District Board of Trustees.

**HR 1146** (by Flores), Honoring Juan Garza of the La Villa Independent School District Board of Trustees.

**HR 1147** (by Flores), Honoring Maria Gloria Garcia of the La Villa Independent School District Board of Trustees.

**HR 1148** (by Flores), Honoring Danny Ortega of the La Villa Independent School District Board of Trustees.

**HR 1149** (by Flores), Honoring Thomas P. Wingate of the Sharyland School Board.

**HR 1150** (by Flores), Honoring Lowell Hudsonpillar of the Sharyland School Board.

**HR 1151** (by Flores), Honoring Valente Alaniz, Jr., of the La Joya School Board.

**HR 1152** (by Flores), Honoring Leo J. Leo, Jr., of the La Joya School Board.

**HR 1153** (by Flores), Honoring Dustin Roach of the Sharyland School Board.

**HR 1154** (by Flores), Honoring A. J. Gorena of the Sharyland School Board.

**HR 1155** (by Flores), Honoring Linda Cardenas of the Sharyland School Board.

**HR 1156** (by Flores), Honoring Joe D. Williamson of the Sharyland School Board.

**HR 1157** (by Flores), Honoring Joe Phillips of the Sharyland School Board.

**HR 1158** (by Flores), Honoring Cecilia Luna of the Monte Alto Independent School District Board of Trustees.

**HR 1159** (by Flores), Honoring Armando Lopez of the Monte Alto Independent School District Board of Trustees.

**HR 1160** (by Flores), Honoring Sylvia C. Faz of the Monte Alto Independent School District Board of Trustees.

**HR 1161** (by Flores), Honoring Josue Rivas of the Monte Alto Independent School District Board of Trustees.

**HR 1162** (by Flores), Honoring Martin Chapa of the Monte Alto Independent School District Board of Trustees.

**HR 1163** (by Flores), Honoring Teresa Del Toro of the Monte Alto Independent School District Board of Trustees.

**HR 1164** (by Flores), Honoring Connie Villanueva of the Monte Alto School Independent School District Board of Trustees.

**HR 1171** (by Hupp), Recognizing the birth of Bryan Paul Pechal and acknowledging him as an honorary Texan.

**HR 1174** (by Flores), Congratulating Michael Davis on his recent election to the school board.

**HR 1175** (by Flores), Congratulating Hector Garza on his recent election to the school board.

**HR 1176** (by Flores), Congratulating Noe Tamez on his recent election to the school board.

**HR 1177** (by Flores), Congratulating Esteben Garza on his recent election to the school board.

**HR 1178** (by Flores), Congratulating Rudy Rodriguez on his recent election to the school board.

**HR 1179** (by Flores), Congratulating Xavier Salinas on his recent election to the school board.

**HR 1180** (by Flores), Congratulating Albert Sandoval on his recent election to the school board.

**HR 1181** (by Flores), Congratulating Frank Cuellar on his recent election to the school board.

**HR 1182** (by Flores), Congratulating Paul Rodriguez on his recent election to the school board.

**HR 1183** (by Flores), Congratulating Fred Borrego on his recent election to the school board.

**HR 1184** (by Flores), Congratulating Jose G. Ramirez on his recent election to the school board.

**HR 1185** (by Flores), Congratulating Roy Rodriguez on his recent election to the school board.

**HR 1186** (by Flores), Congratulating Michael Ozuna on his recent election to the school board.

**HR 1187** (by Flores), Congratulating Joe Cisneros on his recent election to the school board.

**HR 1188** (by Flores), Congratulating Felix Garza on his recent election to the school board.

**HR 1189** (by Flores), Congratulating Rodolfo Ramirez on his recent election to the school board.

**HR 1190** (by Flores), Congratulating William Peisen on his recent election to the school board.

**HR 1191** (by Flores), Congratulating George Cardenas on his recent election to the school board.

**HR 1192** (by Flores), Congratulating Eddie Olivarez on his recent election to the school board.

**HR 1193** (by Flores), Congratulating Aaron Gonzalez on his recent election to the school board.

**HR 1194** (by Flores), Congratulating Juan Rodriguez on his recent election to the school board.

**HR 1195** (by Flores), Congratulating Robert Contreras on his recent election to the school board.

**HR 1196** (by Flores), Congratulating Juan Garza on his recent election to the school board.

**HR 1197** (by Flores), Congratulating Ramon Rosales on his recent election to the school board.

**HR 1198** (by Flores), Congratulating Juan J. Ramos on his recent election to the school board.

**HR 1199** (by Flores), Congratulating Tony Leal on his recent election to the school board.

**HR 1201** (by Counts), Honoring Tiffany Green of Hamlin High School.

**HR 1202** was withdrawn.

**HR 1203** was withdrawn.



**HR 1204** (by Dunnam), Honoring the myriad accomplishments of George Davis Dixon.

**HR 1205** (by R. Lewis), Honoring the retirement of Orangefield High School girls basketball coach Bill Tennison.

The resolutions were adopted without objection.

### **LEAVE OF ABSENCE GRANTED**

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

J. F. Solis on motion of P. King.

### **HR 751 - ADOPTED (by McClendon)**

Representative McClendon moved to suspend all necessary rules to take up and consider at this time **HR 751**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 751**, Honoring Tai Dillard of San Antonio.

**HR 751** was adopted without objection.

### **HR 978 - ADOPTED (by Maxey and Naishtat)**

Representative Maxey moved to suspend all necessary rules to take up and consider at this time **HR 978**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 978**, Honoring Mexic-Arte Museum in Austin.

**HR 978** was read and was adopted without objection.

### **HR 1226 - ADOPTED (by Counts)**

Representative Counts moved to suspend all necessary rules to take up and consider at this time **HR 1226**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1226**, Honoring the Bexar Metropolitan Water District.

**HR 1226** was adopted without objection.

### **HR 1227 - ADOPTED (by Counts)**

Representative Counts moved to suspend all necessary rules to take up and consider at this time **HR 1227**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1227**, Congratulating the Munday High School Mogulettes 800-meter relay team.

**HR 1227** was adopted without objection.

**HR 1284 - ADOPTED**  
**(by Counts)**

Representative Counts moved to suspend all necessary rules to take up and consider at this time **HR 1284**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1284**, Honoring Max and Anne Von Roeder for their civic contributions.

**HR 1284** was adopted without objection.

**HR 1275 - ADOPTED**  
**(by Puente)**

Representative Puente moved to suspend all necessary rules to take up and consider at this time **HR 1275**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1275**, Commending Dale Garcia on his outstanding contributions to the citizens of San Antonio.

**HR 1275** was adopted without objection.

**HR 1285 - ADOPTED**  
**(by Hartnett and Cuellar)**

Representative Hartnett moved to suspend all necessary rules to take up and consider at this time **HR 1285**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1285**, Naming Dr. Joseph Gabriel Schneider a "Texas Living Legend".

**HR 1285** was read and was adopted without objection.

On motion of Representative Swinford, the names of all the members of the house were added to **HR 1285** as signers thereof.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Hartnett, who introduced Dr. Joseph Gabriel Schneider and his family.

**HB 2599 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative McReynolds submitted the following conference committee report on **HB 2599**:

Austin, Texas, May 26, 1999

Honorable Rick Perry  
President of the Senate

Honorable Pete Laney  
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2599** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Duncan	McReynolds
Armbrister	Cook
Brown	Dunnam
Haywood	Swinford
Lucio	Zbranek
On the part of the Senate	On the part of the House

**HB 2599**, A bill to be entitled An Act relating to prescribed burning.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Title 6, Natural Resources Code, is amended by adding Chapter 153 to read as follows:

CHAPTER 153. PRESCRIBED BURNING  
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 153.001. DEFINITION. In this chapter, "board" means the Prescribed Burning Board.

Sec. 153.002. LANDOWNER'S RIGHT TO CONDUCT BURNS NOT LIMITED. This chapter does not limit a landowner's right to conduct burns on the landowner's property.

Sec. 153.003. LIABILITY. This chapter does not modify a landowner's liability for property damage, personal injury, or death resulting from a burn that is not conducted as provided by this chapter.

[Sections 153.004-153.040 reserved for expansion]

SUBCHAPTER B. PRESCRIBED BURNING BOARD

Sec. 153.041. ESTABLISHMENT. (a) The Prescribed Burning Board is established within the Department of Agriculture and is composed of:

- (1) an employee of the Texas Forest Service designated by the director of the Texas Forest Service;
- (2) an employee of the Parks and Wildlife Department appointed by the executive director of the Parks and Wildlife Department;
- (3) an employee of the Texas Natural Resource Conservation Commission appointed by the executive director of the Texas Natural Resource Conservation Commission;
- (4) an employee of the Texas Agricultural Extension Service appointed by the executive director of the Texas Agricultural Extension Service;

(5) an employee of the Texas Agricultural Experiment Station appointed by the director of the Texas Agricultural Experiment Station;

(6) an employee of the Texas Tech University Range and Wildlife Department appointed by the dean of the Texas Tech University College of Agricultural Sciences and Natural Resources;

(7) an employee of the Department of Agriculture appointed by the commissioner of agriculture;

(8) an employee of the State Soil and Water Conservation Board appointed by the executive director of the State Soil and Water Conservation Board; and

(9) five persons who are:

(A) owners of agricultural land, as that term is defined by Section 153.081;

(B) self-employed or employed by a person other than a governmental entity; and

(C) appointed by the commissioner of agriculture.

(b) A member serves for a two-year term.

(c) The board shall, by majority vote, elect a presiding officer from the members of the board.

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

(e) It is a ground for removal from the board that a member:

(1) does not have at the time of appointment the qualifications required by Subsection (a) for appointment to the board;

(2) does not maintain during the service on the board the qualifications required by Subsection (a) for appointment to the board;

(3) cannot because of illness or disability discharge the member's duties for a substantial part of the term for which the member is appointed; or

(4) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

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

Sec. 153.042. INFORMATION RELATING TO STANDARDS OF CONDUCT. The presiding officer of the board or the presiding officer's designee shall provide to members of the board, as often as necessary, information regarding their qualification for office under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers.

Sec. 153.043. MEMBER TRAINING. (a) A person appointed to the board is not eligible for membership on the board unless the person completes at least one training program that complies with this section.

(b) The training program must provide information to the member regarding:

(1) this chapter;

(2) the programs operated by the board;

(3) the role and functions of the board;

(4) the requirements of Chapters 551, 552, and 2001, Government Code;

(5) the requirements of the conflict of interest laws and other laws relating to public officials; and

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

(c) A person appointed to the board is entitled to reimbursement for travel expenses incurred in attending the training program as provided by the General Appropriations Act as if the person were a member of the board.

Sec. 153.044. SUNSET PROVISION. The Prescribed Burning Board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2009.

Sec. 153.045. ADVISORY BOARD. (a) The board shall establish an advisory board of members of the public, including individuals representing:

(1) property owners;

(2) agriculture, forestry, and livestock producers;

(3) conservation interests;

(4) environmental interests; and

(5) insurance interests.

(b) The board shall determine the number of persons and manner of selection of the advisory board.

Sec. 153.046. DUTIES. The board shall:

(1) establish standards for prescribed burning;

(2) develop a comprehensive training curriculum for prescribed burn managers;

(3) establish standards for certification, recertification, and training for prescribed burn managers;

(4) establish minimum education and professional requirements for instructors for the approved curriculum; and

(5) establish minimum insurance requirements for certified prescribed burn managers.

Sec. 153.047. PRESCRIBED BURNING STANDARDS. Minimum standards established by the board for prescribed burning must:

(1) ensure that prescribed burning is the controlled application of fire to naturally occurring or naturalized vegetative fuels under specified environmental conditions in accordance with a written prescription plan:

(A) designed to confine the fire to a predetermined area and to accomplish planned land management objectives; and

(B) that conforms to the standards established under this section;

(2) require that at least one certified prescribed burn manager is present on site during the conduct of the prescribed burn;

(3) establish appropriate guidelines for size of burning crews sufficient to:

(A) conduct the burn in accordance with the prescription plan; and

(B) provide adequate protection for the safety of persons and of adjacent property;

(4) include standards for notification to adjacent land owners, the Texas Natural Resource Conservation Commission, and local fire authorities; and

(5) include minimum insurance requirements for certified prescribed burn managers.

Sec. 153.048. CERTIFICATION OF PRESCRIBED BURN MANAGERS.

(a) Minimum standards established by the board for certification as a prescribed burn manager must require the completion of the approved training curriculum to be developed and promulgated by the board and taught by an approved instructor.

(b) The board shall certify a person as a prescribed burn manager if the person:

(1) applies to the board for certification;

(2) demonstrates completion of an approved training program by an approved instructor; and

(3) pays a fee to the board in an amount determined by the board.

(c) The certification is for five years.

(d) A person may renew certification only by completing a continuing education program established by the board.

(e) The board shall maintain a register of certified prescribed burn managers and dates of completion of initial and continuing training.

[Sections 153.049-153.080 reserved for expansion]

SUBCHAPTER C. LIMITATIONS ON LIABILITY

Sec. 153.081. LIMITATION OF OWNER LIABILITY. (a) Subject to Section 153.082, an owner, lessee, or occupant of agricultural land is not liable for property damage or for injury or death to persons caused by or resulting from prescribed burning conducted on the land owned by, leased by, or occupied by the person if the prescribed burning is conducted under the supervision of a certified prescribed burn manager.

(b) This section does not apply to an owner, lessee, or occupant of agricultural land who is a certified prescribed burn manager and conducts a burn on that land.

(c) In this section, "agricultural land" means land that is located in this state and that is suitable for:

(1) use and production of plants and fruits for human or animal consumption or plants grown for the production of fibers, floriculture, viticulture, horticulture, or planting seed;

(2) forestry and the growing of trees for the purpose of rendering those trees into lumber, fiber, or other items used for industrial, commercial, or personal consumption;

(3) domestic or native farm or ranch animals kept for use or profit;  
or

(4) management of native or exotic wildlife.

Sec. 153.082. INSURANCE. The limitation on liability under Section 153.081 does not apply to an owner, lessee, or occupant of agricultural land unless the certified prescribed burn manager conducting a burn on the land has liability insurance coverage of at least \$1 million for each single occurrence of bodily injury or death, or injury to or destruction of property.

SECTION 2. This Act takes effect September 1, 1999, and applies only to a cause of action that accrues on or after that date. An action that accrued before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

Representative McReynolds moved to adopt the conference committee report on **HB 2599**.

The motion prevailed without objection.

**HB 1620 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Chisum submitted the following conference committee report on **HB 1620**:

Austin, Texas, May 26, 1999

Honorable Rick Perry  
President of the Senate

Honorable Pete Laney  
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1620** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Fraser	Wohlgemuth
Duncan	Alexander
Ellis	Hill
Lucio	Siebert
Shapiro	Walker
On the part of the Senate	On the part of the House

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

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

SECTION 1. Title 3, Transportation Code, is amended by adding Chapter 26 to read as follows:

CHAPTER 26. AQUATIC AIRCRAFT

Sec. 26.001. DEFINITIONS. In this chapter:

(1) "Aquatic aircraft" means a seaplane, floatplane, or similar aircraft that is capable of taking off and landing on water.

(2) "Department" means the Texas Department of Transportation.

Sec. 26.002. APPLICATION. This chapter applies to all navigable bodies of water of this state other than a navigable body of water that the federal government owns, controls, or has jurisdiction over.

Sec. 26.003. REGULATION PROHIBITED. (a) Except as provided by Subsection (b), a governmental entity that owns, controls, or has jurisdiction over a navigable body of water may not in an area in which motorized boats are permitted:

(1) prohibit the takeoff, landing, or operation of an aquatic aircraft;  
or

(2) regulate or require a permit or fee for the operation of an aquatic aircraft.

(b) A governmental entity described by Subsection (a) may apply to the department to prohibit or limit the operation of aquatic aircraft on a navigable body of water. The department shall approve the prohibition or limitation if the department determines that safety concerns justify the prohibition or limitation. The prohibition or limitation may apply to the entire body of water or only to a specified area.

(c) In making a determination under Subsection (b), the department shall consider:

(1) the topography of the body of water or specified area;

(2) the depth of the water and any obstacles that are under the water;

(3) the amount of boat or individual traffic on the body of water or in the specified area;

(4) the interests of persons owning homes that are located on or around the body of water; and

(5) any other factors that relate to the safe operation of aquatic aircraft.

Sec. 26.004. RULES. The department shall adopt rules to implement and administer this chapter, including rules specifying how notice shall be given of a prohibition or limitation approved under this chapter.

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.

Representative Chisum moved to adopt the conference committee report on **HB 1620**.

The motion prevailed without objection.

### **HB 1865 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Edwards submitted the following conference committee report on **HB 1865**:

Austin, Texas, May 26, 1999

Honorable Rick Perry  
President of the Senate

Honorable Pete Laney  
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1865** have met



and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

West	Edwards
Cain	Hunter
Shapleigh	S. Turner
Gallegos	Giddings
Ellis	Goolsby
On the part of the Senate	On the part of the House

**HB 1865**, A bill to be entitled An Act relating to the operations of the Texas Emancipation Juneteenth Cultural and Historical Commission.

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

SECTION 1. Section 448.002, Government Code, is amended to read as follows:

Sec. 448.002. SUNSET PROVISION. The Texas Emancipation Juneteenth Cultural and Historical Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this chapter expires September 1, 2011 [~~2004~~].

SECTION 2. Section 448.008(a), Government Code, is amended to read as follows:

(a) The commission [~~annually~~] shall elect one of its members as the presiding officer of the commission.

SECTION 3. Section 448.031, Government Code, is amended to read as follows:

Sec. 448.031. GENERAL POWERS AND DUTIES OF THE COMMISSION. (a) The commission shall:

- (1) adopt rules as necessary for its own procedures;
- (2) coordinate state and local activities relating to the cultural and historical celebration of Juneteenth;
- (3) establish a Juneteenth memorial monument on the grounds of the State Capitol in cooperation with the State Preservation Board, establish other Juneteenth memorial monuments at appropriate locations throughout the state, and establish an advisory committee to advise the commission on all matters relating to the construction, dedication, and maintenance of the monuments [~~monument~~], including:
  - (A) site selection;
  - (B) fund-raising from public and private sources;
  - (C) establishing a schedule for the design, construction, and dedication of each [~~the~~] monument;
  - (D) procedures for soliciting designs for each [~~the~~] monument;
  - (E) selecting the final design of each [~~the~~] monument;
  - (F) procedures for selecting a contractor to construct each [~~the~~] monument;
  - (G) selecting the contractor to construct each [~~the~~] monument; and
  - (H) reviewing and monitoring the design and construction process; [~~and~~]

(4) prepare and distribute publications that relate to the cultural or historical significance of Juneteenth or that otherwise promote Juneteenth; and  
 (5) encourage individuals, private organizations, and local governmental bodies to organize appropriate activities.

(b) The State Preservation Board shall cooperate with the commission in establishing a monument on the grounds of the State Capitol under Subsection (a)(3).

SECTION 4. This Act takes effect September 1, 1999.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Representative Edwards moved to adopt the conference committee report on **HB 1865**.

The motion prevailed without objection.

### **HB 3182 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Grusendorf submitted the following conference committee report on **HB 3182**:

Austin, Texas, May 26, 1999

Honorable Rick Perry  
 President of the Senate

Honorable Pete Laney  
 Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 3182** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Harris  
 Lindsay

Grusendorf  
 Brimer  
 George  
 Ritter  
 Woolley

On the part of the Senate

On the part of the House

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

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

SECTION 1. Chapter 24, Property Code, is amended by adding Section 24.0051 to read as follows:

Sec. 24.0051. PROCEDURES APPLICABLE IN SUIT TO EVICT AND RECOVER UNPAID RENT. (a) In a suit filed in justice court in which the landlord files a sworn statement seeking judgment against a tenant for possession of the premises and unpaid rent, personal service on the tenant or service on the tenant under Rule 742a, Texas Rules of Civil Procedure, is

procedurally sufficient to support a default judgment for possession of the premises and unpaid rent.

(b) A landlord may recover unpaid rent under this section regardless of whether the tenant vacated the premises after the date the landlord filed the sworn statement and before the date the court renders judgment.

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.

Representative Grusendorf moved to adopt the conference committee report on **HB 3182**.

The motion prevailed without objection.

**HB 2684 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Coleman submitted the following conference committee report on **HB 2684**:

Austin, Texas, May 26, 1999

Honorable Rick Perry  
President of the Senate

Honorable Pete Laney  
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2684** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Gallegos  
Lindsay  
Madla  
Nixon  
Nelson

Coleman  
Hilbert  
Bonnen  
Y. Davis  
T. King

On the part of the Senate

On the part of the House

**HB 2684**, A bill to be entitled An Act relating to reinvestment zones and tax increment financing under the Tax Increment Financing Act, tax abatement agreements within those zones, and the administration of certain local government corporations.

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

SECTION 1. Section 311.004(a), Tax Code, is amended to read as follows:

(a) The ordinance designating an area as a reinvestment zone must:

(1) describe the boundaries of the zone with sufficient definiteness to identify with ordinary and reasonable certainty the territory included in the zone;

(2) create a board of directors for the zone and specify the number of directors of the board as provided by Section 311.009;

(3) provide that the zone take effect immediately upon passage of the ordinance ~~[on January 1 of the year following the year in which the ordinance is adopted]~~;

(4) provide a date for termination of the zone;

(5) assign a name to the zone for identification, with the first zone created by a municipality designated as "Reinvestment Zone Number One, City (or Town, as applicable) of (name of municipality)" and subsequently created zones assigned names in the same form numbered consecutively in the order of their creation;

(6) establish a tax increment fund for the zone; and

(7) contain findings that:

(A) improvements in the zone will significantly enhance the value of all the taxable real property in the zone and will be of general benefit to the municipality; and

(B) the area meets the requirements of Section 311.005.

SECTION 2. Section 311.009, Tax Code, is amended by adding Subsection (g) to read as follows:

(g) A member of the board of directors of a reinvestment zone:

(1) is not a public official by virtue of that position; and

(2) unless otherwise ineligible, may be appointed to serve concurrently on the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code.

SECTION 3. Section 311.010, Tax Code, is amended by amending Subsections (a) and (b) and adding Subsections (d)-(f) to read as follows:

(a) The board of directors of a reinvestment zone shall make recommendations to the governing body of the municipality that created the zone concerning the administration of this chapter in the zone. The ~~[In addition to the powers granted to the board under this chapter, the]~~ governing body of the municipality by ordinance or resolution may authorize ~~[delegate to]~~ the board to exercise any of the municipality's powers with respect to the administration, management, or operation of the zone or ~~[and duties relating to]~~ the implementation of the project plan for the zone, except that the governing body may not authorize the board to:

(1) issue bonds;

(2) impose taxes or fees;

(3) exercise the power of eminent domain; or

(4) give final approval to the project plan ~~[considers advisable].~~

(b) The board of directors of a reinvestment zone and the governing body of the municipality that creates a reinvestment zone may each enter into agreements as the board or the governing body considers necessary or convenient to implement the project plan and reinvestment zone financing plan and achieve their purposes. An agreement may provide for the regulation or restriction of the use of land by imposing conditions, restrictions, or covenants that run with the land. An agreement may during the term of the agreement dedicate, pledge, or otherwise provide for the use of revenue in ~~[from]~~ the tax increment fund to pay any project ~~[the]~~ costs that benefit the reinvestment zone, including project costs relating to the cost of buildings, schools, or other educational facilities owned by or on behalf

of a school district, community college district, or other political subdivision of this state, railroad or transit facilities, affordable housing, the remediation of conditions that contaminate public or private land or buildings, the preservation of the facade of a private or public building, or the demolition of public or private buildings. An agreement may dedicate revenue from the tax increment fund to pay the costs of providing affordable [of replacing] housing or areas of public assembly in or out of the zone. An agreement may dedicate revenue from the tax increment fund to pay a neighborhood enterprise association for providing services or carrying out projects authorized under Subchapters E and G, Chapter 2303, Government Code, in the zone. The term of an agreement with a neighborhood enterprise association may not exceed 10 years.

(d) The board of directors of a reinvestment zone may exercise any power granted to a municipality by Section 311.008, except that:

(1) the municipality that created the reinvestment zone by ordinance or resolution may restrict any power granted to the board by this chapter; and

(2) the board may exercise a power granted to a municipality under Section 311.008(a)(2) only with the consent of the governing body of the municipality.

(e) After the governing body of a municipality by ordinance creates a reinvestment zone under this chapter, the board of directors of the zone may exercise any power granted to a board under this chapter.

(f) The board of directors of a reinvestment zone and the governing body of the municipality may enter into a contract with a local government corporation to manage the reinvestment zone or implement the project plan and reinvestment zone financing plan for the term of the agreement. In this subsection, "local government corporation" means a local government corporation created by the municipality under Chapter 431, Transportation Code.

SECTION 4. Section 311.011, Tax Code, is amended by amending Subsection (f) and adding Subsection (g) to read as follows:

(f) In a zone designated under Section 311.005(a)(5) that is located in a county with a population of 2.1 million or more, the project plan must provide that at least one-third of the [surface area of the zone, excluding roads, streets, highways, utility rights-of-way, and other public areas or areas exempt from ad valorem taxation, be dedicated to residential housing and that at least one-third of the] tax increment of the zone be used to provide affordable [dedicated to providing low-income] housing during the term of the zone.

(g) An amendment to the project plan or the reinvestment zone financing plan for a zone does not apply to a school district that participates in the zone unless the governing body of the school district by official action approves the amendment, if the amendment:

(1) has the effect of directly or indirectly increasing the percentage or amount of the tax increment to be contributed by the school district; or

(2) requires or authorizes the municipality creating the zone to issue additional tax increment bonds or notes.

SECTION 5. Section 311.012, Tax Code, is amended by amending Subsections (a) and (b) to read as follows:

(a) The amount of a taxing unit's tax increment for a year is the amount of property taxes levied and collected by the unit for that year on the captured appraised value of real property taxable by the unit and located in a reinvestment zone.

(b) The captured appraised value of real property taxable by a taxing unit for a year is the total appraised value of all real [the] property taxable by the unit and located in a reinvestment zone for that year less the tax increment base of the unit.

SECTION 6. Chapter 311, Tax Code, is amended by adding Section 311.0125 to read as follows:

Sec. 311.0125. TAX ABATEMENT AGREEMENTS. (a) Notwithstanding any provision in this chapter to the contrary, a taxing unit other than a school district may enter into a tax abatement agreement with an owner of real or personal property in a reinvestment zone, regardless of whether the taxing unit deposits or agrees to deposit any portion of its tax increment into the tax increment fund.

(b) To be effective, an agreement to abate taxes on real property in a reinvestment zone must be approved by:

(1) the board of directors of the reinvestment zone; and

(2) the governing body of each taxing unit that imposes taxes on real property in the reinvestment zone and deposits or agrees to deposit any of its tax increment into the tax increment fund for the zone.

(c) In any contract entered into by the board of directors of a reinvestment zone in connection with bonds or other obligations, the board may covenant that the board will not approve a tax abatement agreement that applies to real property in that zone.

(d) If a taxing unit enters into a tax abatement agreement authorized by this section, taxes that are abated under that agreement are not considered taxes to be imposed or produced by that taxing unit in calculating the amount of:

(1) the tax increment of that taxing unit; or

(2) that taxing unit's deposit to the tax increment fund for the reinvestment zone.

SECTION 7. Section 311.013, Tax Code, is amended by amending Subsections (b), (f), (g), (h), and (i) and adding Subsections (j) and (k) to read as follows:

(b) Each taxing unit shall pay into the tax increment fund for the zone an amount equal to the tax increment produced by the unit, less the sum of:

(1) property taxes produced from the tax increments that are, by contract executed before the designation of the area as a reinvestment zone, required to be paid by the unit to another political subdivision; and

(2) a portion, not to exceed 15 percent, of the tax increment produced by the unit as provided by the reinvestment zone financing plan or a larger portion as provided by Subsection (f) [~~or (g)~~].

(f) [~~The governing body of a taxing unit that taxes real property located in the zone may determine the portion of the tax increment produced by the taxing unit that the taxing unit will retain from the tax increment and may decide to retain all of that tax increment. The determination is not effective~~

~~unless the governing body of the taxing unit notifies the board of directors of the zone in writing of its determination under this subsection on or before the 60th day after the date on which the governing body of the municipality approves the reinvestment zone financing plan as provided by Section 311.011(d). The governing body of the taxing unit may not decrease the portion of the tax increment that it has determined to dedicate to a reinvestment zone fund after the project plan is approved:~~

~~(g)~~ A taxing unit is not required to pay into the tax increment fund any of its tax increment produced from property located in a reinvestment zone designated under Section 311.005(a)~~(5)~~ or in an area added to a reinvestment zone under Section 311.007~~(b)~~ unless the taxing unit enters into an agreement to do so with the governing body of the municipality that created the zone. A taxing unit may enter into an agreement under this subsection at any time before or after the zone is created or enlarged. The agreement may include conditions for payment of that tax increment into the fund and must specify the portion of the tax increment to be paid into the fund and the years for which that tax increment is to be paid into the fund. The agreement and the conditions in the agreement are binding on the taxing unit, the municipality, and the board of directors of the zone.

(g) Subject to the provisions of Section 311.0125, in ~~(h) In~~ lieu of permitting a portion of its tax increment to be paid into the tax increment fund, and notwithstanding the provisions of Section 312.203, a taxing unit, other than a city, may elect to offer the owners of taxable real property in a reinvestment zone created under this chapter an exemption from taxation of all or part of the value of the property. Any agreement concerning an exemption from ad valorem taxes shall be executed in the manner and subject to the limitations of Chapter 312; provided, however, the property covered by the agreement need not be in a zone created pursuant to Chapter 312. A taxing unit may not offer a tax abatement agreement to property owners in the zone after it has entered into an agreement that its tax increments would be paid into the tax increment fund pursuant to Subsection (f) ~~(g)~~.

(h) Subsection ~~(i) Subsections~~ (f) does ~~and (g) do~~ not apply to a city with a population of more than 230,000 that borders Mexico.

(i) Notwithstanding Subsection (c), a taxing unit is not required to pay into a tax increment fund the applicable portion of a tax increment attributable to delinquent taxes until those taxes are collected.

(j) Section 26.05(f) does not prohibit a taxing unit from depositing all of the tax increment produced by the taxing unit in a reinvestment zone into the tax increment fund for that zone.

(k) A school district is not required to pay into the tax increment fund any of its tax increment produced from property located in an area added to the reinvestment zone under Section 311.007(a) or (b) unless the governing body of the school district enters into an agreement to do so with the governing body of the municipality that created the zone, including a municipality described by Subsection (h). The governing body of a school district may enter into an agreement under this subsection at any time before or after the zone is created or enlarged. The agreement may include

conditions for payment of that tax increment into the fund and must specify the portion of the tax increment to be paid into the fund and the years for which that tax increment is to be paid into the fund. The agreement and the conditions in the agreement are binding on the school district, the municipality, and the board of directors of the zone.

SECTION 8. Chapter 311, Tax Code, is amended by adding Section 311.018 to read as follows:

Sec. 311.018. CONFLICTS WITH MUNICIPAL CHARTER. To the extent of a conflict between this chapter and a municipal charter, this chapter controls.

SECTION 9. Section 403.302(d), Government Code, as amended by Chapters 1039, 1040, and 1071, Acts of the 75th Legislature, Regular Session, 1997, is reenacted and amended to read as follows:

(d) For the purposes of this section, "taxable value" means the market value of all taxable property less:

(1) the total dollar amount of any residence homestead exemptions lawfully granted under Section 11.13(b) or (c), Tax Code, in the year that is the subject of the study for each school district;

(2) the total dollar amount of any exemptions granted before May 31, 1993, within a reinvestment zone under agreements authorized by Chapter 312, Tax Code;

(3) subject to Subsection (e), the total dollar amount of any captured appraised value of property that:

(A) is within a reinvestment zone created on or before May 31, 1999, or is proposed to be included within the boundaries of a reinvestment zone as the boundaries of the zone and the proposed portion of tax increment paid into the tax increment fund by a school district are described in a written notification provided by the municipality or the board of directors of the zone to the governing bodies of the other taxing units in the manner provided by Section 311.003(e), Tax Code, before May 31, 1999, and within the boundaries of the zone as those boundaries existed on September 1, 1999, including subsequent improvements to the property regardless of when made;

(B) [is located in a reinvestment zone on August 31, 1999, that] generates taxes [a tax increment] paid into a tax increment fund created under Chapter 311, Tax Code, under a reinvestment zone financing plan approved under Section 311.011(d), Tax Code, on or before September 1, 1999; [;] and

(C) is eligible for tax increment financing under Chapter 311, Tax Code[; under a reinvestment zone financing plan approved under Section 311.011(d), Tax Code, before September 1, 1999];

(4) the total dollar amount of any exemptions granted under Section 11.251, Tax Code;

(5) the difference between the comptroller's estimate of the market value and the productivity value of land that qualifies for appraisal on the basis of its productive capacity, except that the productivity value estimated by the comptroller may not exceed the fair market value of the land;

(6) the portion of the appraised value of residence homesteads of the



elderly on which school district taxes are not imposed in the year that is the subject of the study, calculated as if the residence homesteads were appraised at the full value required by law;

(7) a portion of the market value of property not otherwise fully taxable by the district at market value because of action required by statute or the constitution of this state that, if the tax rate adopted by the district is applied to it, produces an amount equal to the difference between the tax that the district would have imposed on the property if the property were fully taxable at market value and the tax that the district is actually authorized to impose on the property, if this subsection does not otherwise require that portion to be deducted;

(8) the market value of all tangible personal property, other than manufactured homes, owned by a family or individual and not held or used for the production of income;

(9) the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.06, Tax Code;

(10) the portion of the appraised value of property the collection of delinquent taxes on which is deferred under Section 33.065, Tax Code; and

(11) the amount by which the market value of a residence homestead to which Section 23.23, Tax Code, applies exceeds the appraised value of that property as calculated under that section.

SECTION 10. Sections 403.302(e)-(g), Government Code, are amended to read as follows:

(e) The total dollar amount deducted in each year as required by Subsection (d)(3) in a reinvestment zone created after January 1, 1999, may not exceed the captured appraised value estimated for that year as required by Section 311.011(c)(8), Tax Code, in the reinvestment zone financing plan approved under Section 311.011(d), Tax Code, before September 1, 1999. The number of years for which the total dollar amount may be deducted under Subsection (d)(3) shall for any zone, including those created on or before January 1, 1999, be limited to the duration of the zone as specified as required by Section 311.011(c)(9), Tax Code, in the reinvestment zone financing plan approved under Section 311.011(d), Tax Code, before September 1, 1999. The total dollar amount deducted under Subsection (d)(3) for any zone, including those created on or before January 1, 1999, may not be increased by any reinvestment zone financing plan amendments that occur after August 31, 1999. The total dollar amount deducted under Subsection (d)(3) for any zone, including those created on or before January 1, 1999, may not be increased by a change made after August 31, 1999, in the portion of the tax increment retained by the school district.

(f) The study shall determine the values as of January 1 of each year.

(g) [(f)] The comptroller shall publish preliminary findings, listing values by district, before February 1 of the year following the year of the study. Preliminary findings shall be delivered to each school district and shall be certified to the commissioner of education.

(h) [(g)] On request of the commissioner of education or a school district, the comptroller may audit a school district to determine the total taxable value of property in the school district, including the productivity values of

land only if the land qualifies for appraisal on that basis and the owner of the land has applied for and received a productivity appraisal. The comptroller shall certify the comptroller's findings to the commissioner.

SECTION 11. Section 403.303(a), Government Code, is amended to read as follows:

(a) A school district or a property owner whose property is included in the study under Section 403.302 and whose tax liability on the property is \$100,000 or more may protest the comptroller's findings under Section 403.302(g) [403.302(f)] or (h) [(g)] by filing a petition with the comptroller. The petition must be filed not later than the 40th day after the date on which the comptroller's findings are certified to the commissioner of education and must specify the grounds for objection and the value claimed to be correct by the school district or property owner.

SECTION 12. Section 431.101, Transportation Code, is amended to read as follows:

Sec. 431.101. CREATION OF LOCAL GOVERNMENT CORPORATION.

(a) A local government corporation may be created to aid and act on behalf of one or more local governments to accomplish any governmental purpose of those local governments. To be effective, the articles of incorporation and the bylaws of a local government corporation must be approved by ordinance, resolution, or order adopted by the governing body of each local government that the corporation is created to aid and act on behalf of.

(b) A local government corporation has the powers of a corporation authorized for creation by the commission under this chapter.

(c) The provisions of the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes) relating to powers, standards of conduct, and interests in contracts apply to the directors and officers of the local government corporation.

(d) A provision of this chapter relating to the creation, dissolution, administration, or supervision of a corporation by the commission does not apply to a local government corporation.

(e) Section 394.904(a), Local Government Code, applies to property and improvements owned by a local government corporation. Section 394.904(b) of that code applies to each contract awarded by the local government corporation.

(f) A member of the board of directors of a local government corporation:  
(1) is not a public official by virtue of that position; and  
(2) unless otherwise ineligible, may be appointed to serve concurrently on the board of directors of a reinvestment zone created under Chapter 311, Tax Code.

SECTION 13. Section 431.102, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) The requirement of Section 394.021(a), Local Government Code, that all directors must be residents of the local government shall not be applicable to directors of a local government corporation except that a person may not be appointed to the board of a local government corporation if the appointment of that person would result in less than a majority of the board members being residents of the local government.

SECTION 14. Section 311.003(h), Tax Code, is repealed.

SECTION 15. (a) Nothing in this Act is intended to prohibit a member of a governing body of a taxing unit that levies taxes on real property in the reinvestment zone from serving as a member of the board of directors of a reinvestment zone under the Tax Increment Financing Act (Chapter 311, Tax Code).

(b) Section 311.013(f), Tax Code, as amended by this Act, applies only to a reinvestment zone created on or after the effective date of this Act. A reinvestment zone created before the effective date of this Act is governed by Section 311.013(f), Tax Code, as that section existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 16. 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.

Representative Coleman moved to adopt the conference committee report on **HB 2684**.

A record vote was requested.

The motion prevailed by (Record 510): 142 Yeas, 0 Nays, 3 Present, not voting.

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

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

Absent, Excused — Corte; Crownover; Jones, D.; Solis, J. F.

Absent — Moreno, P.

**HB 2125 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2125**, A bill to be entitled An Act relating to creating the offense of stealing or receiving a stolen check or sight order.

On motion of Representative E. Reyna, the house concurred in the senate amendments to **HB 2125**.

**Senate Amendment No. 1**

Amend **HB 2125** as follows:

On page 1, line 20, strike "state jail felony" and substitute "Class A misdemeanor".

**HB 247 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 247**, A bill to be entitled An Act relating to the use of neighborhood associations in the enforcement of certain municipal health and safety ordinances.

On motion of Representative Puente, the house concurred in the senate amendments to **HB 247** by (Record 511): 134 Yeas, 4 Nays, 2 Present, not voting.

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

Nays — Clark; Culberson; Keel; Shields.

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

Absent, Excused — Corte; Crownover; Jones, D.; Solis, J. F.

Absent — Hilderbran; Hochberg; Marchant; Oliveira; Wilson; Wolens.

### STATEMENT OF VOTE

When Record No. 511 was taken, I was in the house but away from my desk. I would have voted no.

Hilderbran

### Senate Amendment No. 1

Amend **HB 247** as follows:

(1) In SECTION 1 of the bill, in added Section 54.020(d), Local Government Code (senate committee printing, page 1, line 36) between "owner" and "the", strike "of, or a person residing on," and substitute "of the property and a person residing on".

(2) In SECTION 1 of the bill, in added Section 54.020(f), Local Government Code (senate committee printing, page 1, line 47) between "owner" and "a person", strike "or" and substitute "and".

### SB 177 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Junell submitted the conference committee report on **SB 177**.

Representative Junell moved to adopt the conference committee report on **SB 177**.

The motion prevailed without objection.

### HB 932 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

**HB 932**, A bill to be entitled An Act relating to the use of towing safety chains.

Representative Hawley 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 932**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 932**: Hawley, chair, Alexander, Edwards, Noriega, and Uher.

### HB 772 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative Y. Davis called up with senate amendments for consideration at this time,

**HB 772**, A bill to be entitled An Act relating to fees charged by an independent school district for voluntary educational programs.

On motion of Representative Y. Davis, the house concurred in the senate amendments to **HB 772** by (Record 512): 120 Yeas, 13 Nays, 2 Present, not voting.

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

Nays — Berman; Clark; Crabb; Craddick; Culberson; Denny; Hamric; Heflin; Hilderbran; Keel; Madden; Shields; Talton.

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

Absent, Excused — Corte; Crossover; Jones, D.; Solis, J. F.

Absent — Capelo; Chavez; Eiland; Janek; Junell; Krusee; Mowery; Oliveira; Smithee; Wilson; Wolens.

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

Amend **HB 772** as follows:

(2) On page 2, line 1, add a new subsection (b) to read as follows:

(b) For a fee charged under (a)(15), the school district must provide a written form to be signed by the student's legal guardian stating that this fee would not create a financial hardship or discourage the student from attending the program. The school district may only assess the fee if the student returns the signed form.

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

Amend **HB 772** as follows:

On page 1, line 60, insert the following after "fee" and before "for": ", not to exceed \$50."

### **Senate Amendment No. 3**

Amend **HB 772** as follows:

On page 2, line 19, add a new subsection (c) to read as follows:

(c) The availability of the option developed under subsection (b) must be substantially the same as the availability of the educational program developed under Section 11.158(a)(15).

**HB 3174 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3174**, A bill to be entitled An Act relating to the application of the professional prosecutors law to the criminal district attorney of Dallas County.

On motion of Representative Hartnett, the house concurred in the senate amendments to **HB 3174**.

**Senate Amendment No. 1**

Amend **HB 3174**, 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 2553 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2553**, A bill to be entitled An Act relating to performance reviews of school districts by the comptroller.

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 2553**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2553**: Hochberg, chair, Dunnam, Lengefeld, Olivo, and Smith.

**HB 1059 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1059**, A bill to be entitled An Act relating to the regulation of amusement rides; providing a penalty.

Representative Keel 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 1059**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1059**: Keel, chair, B. Turner, Clark, Siebert, and Gutierrez.

**HB 2794 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2794**, A bill to be entitled An Act relating to the automation of the compulsory motor vehicle inspection system.

On motion of Representative Gutierrez, the house concurred in the senate amendments to **HB 2794**.

**Senate Amendment No. 1**

Amend **HB 2794**, in SECTION 2 of the bill, at the end of proposed Section 548.508(b), Transportation Code (Senate Committee Printing, on page 1, between lines 44 and 45), by adding the following:

(c) This section expires September 1, 2004.

**Senate Amendment No. 2**

Amend **HB 2794**, in SECTION 2 of the bill, at the end of proposed Section 548.508(b), Transportation Code (on page 1, Senate Committee Printing, between lines 44 and 45), by adding:

(c) The department may impose the additional fee authorized by Subsection (a) (1) or (2) only in a county all or part of which participates in this program.

**Senate Amendment No. 3**

Amend **HB 2794** as follows:

(1) In SECTION 2 of the bill, at the end of proposed Section 548.508(b), Transportation Code (Senate Committee Printing, on page 1, between lines 44 and 45), add the following:

(c) In any fiscal year, if the amount received by the department from the additional fees authorized by Subsection (b) exceeds the department's cost in developing and administering the automated inspection system in that year, the department shall deposit the excess to the credit of the account established for the payment of the principal of and interest on bonds authorized by Section 222.035, Transportation Code, as added by Senate Bill No. 966, Acts of the 76th Legislature, Regular Session, 1999.

(2) Strike SECTION 3 of the bill (Senate Committee Printing, page 1, line 45) and substitute the following:

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

(b) Section 548.508(c), Transportation Code, as added by this Act, takes effect only if S.B. No. 966, Acts of the 76th Legislature, Regular Session, 1999, is enacted and becomes law and the Texas Transportation Commission issues bonds under that law. If the Texas Transportation Commission does not issue bonds under that law, Section 548.508(c), Transportation Code, as added by this Act, has no effect.



## MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

### HB 3009 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

**HB 3009**, A bill to be entitled An Act relating to investments and audits under the Public Funds Investment Act.

On motion of Representative Greenberg, the house concurred in the senate amendments to **HB 3009**.

#### Senate Amendment No. 1

Amend **HB 3009** as follows:

(1) In SECTION 2 of the bill, at the end of amended Section 2256.003, Government Code (committee printing, page 1, between lines 60 and 61), insert the following:

(c) This chapter does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under this chapter.

(2) In SECTION 4 of the bill, amended Section 2256.005(f), Government Code (committee printing, page 2, lines 25-26), strike "or contract with an investment management firm under Section 2256.003(b)".

(3) In SECTION 4 of the bill, amended Section 2256.005(f), Government Code (committee printing, page 2, lines 32-33 and 38), strike "fiduciary [person]" and substitute "person".

(4) In SECTION 6 of the bill, amended Section 2256.008(a)(1), Government Code (committee printing, page 3, lines 38-39), strike "under a curriculum approved by the state auditor" and substitute "from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government".

(5) In SECTION 6 of the bill, amended Section 2256.008(a)(2), Government Code (committee printing, page 3, lines 46-48), strike "under a curriculum approved by the state auditor and [from an independent source]" and substitute "from an independent source".

(6) In SECTION 6 of the bill, at the end of amended Section 2256.008(b), Government Code (committee printing, page 3, line 59), insert the following: The treasurer or chief financial officer of an investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, and that has fewer than five full-time employees is not required to attend training required by this section unless the person is also the investment officer of the entity.

(7) In SECTION 6 of the bill, at the end of amended Section 2256.008, Government Code (committee printing, page 3, between lines 63 and 64), insert the following:

(d) Not later than December 31 each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the governmental entities for which the person provided required training under this section during that calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

### **HB 610 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Culberson submitted the following conference committee report on **HB 610**:

Austin, Texas, May 26, 1999

Honorable Rick Perry  
President of the Senate

Honorable Pete Laney  
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 610** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Carona	Janek
Whitmire	Eiland
Fraser	Van de Putte
Sibley	Seaman
Duncan	Culberson
On the part of the Senate	On the part of the House

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

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

SECTION 1. The Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code) is amended by adding Section 18B to read as follows:

Sec. 18B. PROMPT PAYMENT OF PHYSICIAN AND PROVIDERS. (a) In this section, "clean claim" means a completed claim, as determined under Texas Department of Insurance rules, submitted by a physician or provider for medical care or health care services under a health care plan.

(b) A physician or provider for medical care or health care services under a health care plan may obtain acknowledgment of receipt of a claim for medical care or health care services under a health care plan by submitting the claim by United States mail, return receipt requested. A health maintenance organization or the contracted clearinghouse of the health maintenance organization that receives a claim electronically shall acknowledge receipt of the claim by an electronic transmission to the physician or provider and is not required to acknowledge receipt of the claim by the health maintenance organization in writing.

(c) Not later than the 45th day after the date that the health maintenance organization receives a clean claim from a physician or provider, the health maintenance organization shall:

(1) pay the total amount of the claim in accordance with the contract between the physician or provider and the health maintenance organization;

(2) pay the portion of the claim that is not in dispute and notify the physician or provider in writing why the remaining portion of the claim will not be paid; or

(3) notify the physician or provider in writing why the claim will not be paid.

(d) If a prescription benefit claim is electronically adjudicated and electronically paid, and the health maintenance organization or its designated agent authorizes treatment, the claim must be paid not later than the 21st day after the treatment is authorized.

(e) If the health maintenance organization acknowledges coverage of an enrollee under the health care plan but intends to audit the physician or provider claim, the health maintenance organization shall pay the charges submitted at 85 percent of the contracted rate on the claim not later than the 45th day after the date that the health maintenance organization receives the claim from the physician or provider. Following completion of the audit, any additional payment due a physician or provider or any refund due the health maintenance organization shall be made not later than the 30th day after the later of the date that:

(1) the physician or provider receives notice of the audit results; or

(2) any appeal rights of the enrollee are exhausted.

(f) A health maintenance organization that violates Subsection (c) or (e) of this section is liable to a physician or provider for the full amount of billed charges submitted on the claim or the amount payable under the contracted penalty rate, less any amount previously paid or any charge for a service that is not covered by the health care plan.

(g) A physician or provider may recover reasonable attorney's fees in an action to recover payment under this section.

(h) In addition to any other penalty or remedy authorized by the Insurance Code or another insurance law of this state, a health maintenance organization that violates Subsection (c) or (e) of this section is subject to an administrative penalty under Article 1.10E, Insurance Code. The administrative penalty imposed under that article may not exceed \$1,000 for each day the claim remains unpaid in violation of Subsection (c) or (e) of this section.

(i) The health maintenance organization shall provide a participating physician or provider with copies of all applicable utilization review policies and claim processing policies or procedures, including required data elements and claim formats.

(j) A health maintenance organization may, by contract with a physician or provider, add or change the data elements that must be submitted with the physician or provider claim.

(k) Not later than the 60th day before the date of an addition or change in the data elements that must be submitted with a claim or any other change

in a health maintenance organization's claim processing and payment procedures, the health maintenance organization shall provide written notice of the addition or change to each participating physician or provider.

(l) This section does not apply to a claim made by a physician or provider who is a member of the legislature.

(m) This section does not apply to a capitation payment required to be made to a physician or provider under an agreement to provide medical care or health care services under a health care plan.

(n) This section applies to a person with whom a health maintenance organization contracts to process claims or to obtain the services of physicians and providers to provide health care services to health care plan enrollees.

(o) The commissioner may adopt rules as necessary to implement this section.

SECTION 2. Article 3.70-3C, Insurance Code, as added by Chapter 1024, Acts of the 75th Legislature, Regular Session, 1997, is amended by adding Section 3A to read as follows:

Sec. 3A. PROMPT PAYMENT OF PREFERRED PROVIDERS. (a) In this section, "clean claim" means a completed claim, as determined under department rules, submitted by a preferred provider for medical care or health care services under a health insurance policy.

(b) A preferred provider for medical care or health care services under a health insurance policy may obtain acknowledgment of receipt of a claim for medical care or health care services under a health care plan by submitting the claim by United States mail, return receipt requested. An insurer or the contracted clearinghouse of an insurer that receives a claim electronically shall acknowledge receipt of the claim by an electronic transmission to the preferred provider and is not required to acknowledge receipt of the claim by the insurer in writing.

(c) Not later than the 45th day after the date that the insurer receives a clean claim from a preferred provider, the insurer shall:

(1) pay the total amount of the claim in accordance with the contract between the preferred provider and the insurer;

(2) pay the portion of the claim that is not in dispute and notify the preferred provider in writing why the remaining portion of the claim will not be paid; or

(3) notify the preferred provider in writing why the claim will not be paid.

(d) If a prescription benefit claim is electronically adjudicated and electronically paid, and the preferred provider or its designated agent authorizes treatment, the claim must be paid not later than the 21st day after the treatment is authorized.

(e) If the insurer acknowledges coverage of an insured under the health insurance policy but intends to audit the preferred provider claim, the insurer shall pay the charges submitted at 85 percent of the contracted rate on the claim not later than the 45th day after the date that the insurer receives the claim from the preferred provider. Following completion of the audit, any additional payment due a preferred provider or any refund due the insurer shall be made not later than the 30th day after the later of the date that:

- (1) the preferred provider receives notice of the audit results; or
- (2) any appeal rights of the insured are exhausted.

(f) An insurer that violates Subsection (c) or (e) of this section is liable to a preferred provider for the full amount of billed charges submitted on the claim or the amount payable under the contracted penalty rate, less any amount previously paid or any charge for a service that is not covered by the health insurance policy.

(g) A preferred provider may recover reasonable attorney's fees in an action to recover payment under this section.

(h) In addition to any other penalty or remedy authorized by this code or another insurance law of this state, an insurer that violates Subsection (c) or (e) of this section is subject to an administrative penalty under Article 1.10E of this code. The administrative penalty imposed under that article may not exceed \$1,000 for each day the claim remains unpaid in violation of Subsection (c) or (e) of this section.

(i) The insurer shall provide a preferred provider with copies of all applicable utilization review policies and claim processing policies or procedures, including required data elements and claim formats.

(j) An insurer may, by contract with a preferred provider, add or change the data elements that must be submitted with the preferred provider claim.

(k) Not later than the 60th day before the date of an addition or change in the data elements that must be submitted with a claim or any other change in an insurer's claim processing and payment procedures, the insurer shall provide written notice of the addition or change to each preferred provider.

(l) This section does not apply to a claim made by a preferred provider who is a member of the legislature.

(m) This section applies to a person with whom an insurer contracts to process claims or to obtain the services of preferred providers to provide medical care or health care to insureds under a health insurance policy.

(n) The commissioner of insurance may adopt rules as necessary to implement this section.

SECTION 3. Section 5(c), Article 21.55, Insurance Code, is amended to read as follows:

(c) This article does not apply to Chapter 20A of this code except as provided in Section 9 of that chapter. This article does not apply to a claim governed by Section 3A, Article 3.70-3C, of this code.

SECTION 4. This Act takes effect September 1, 1999.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Representative Culberson moved to adopt the conference committee report on **HB 610**.

The motion prevailed without objection.

**HB 1172 - HOUSE DISCHARGES CONFEREES  
HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1172**, A bill to be entitled An Act relating to the definition of low-level radioactive waste.

Representative Chisum moved to discharge the conferees and concur in the senate amendments to **HB 1172**.

The motion prevailed without objection.

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

Amend **HB 1172** by striking SECTION 32 of the bill and substituting the following:

"SECTION 32. Section 402.2721, Health and Safety Code, is amended by amending Subsections (d)-(g) and adding Subsection (i) to read as follows:

(d) Fees established under this section shall:

(1) [~~include minimum and maximum annual fees in an amount of at least \$5 million for the 1992-1993 biennium to pay for the estimated costs of administering, implementing, and planning the activities authorized by this chapter and shall include at least \$5 million to reimburse the general revenue fund for appropriations expended and incurred by the authority in selecting, characterizing, and licensing a disposal site;~~

[(2)] take into account[;] the projected annual volume and the relative hazard presented by each type of low-level radioactive waste generated;

(2) [(3)] be collected by the department as provided by Subchapter H, Chapter 401;

(3) [(4)] be deposited in the state treasury to the credit of the low-level radioactive waste fund[; ~~except that at least \$10 million assessed and collected in the 1992-1993 biennium to reimburse the general revenue fund for expenses incurred prior to September 1, 1991, shall be deposited in the state treasury to the credit of the general revenue fund];~~

(4) [(5)] be paid in four quarterly equal installments beginning on January 1, 1992, and annually thereafter; and

(5) [(6)] expire on the date the authority begins operation of a disposal facility.

(e) Fees established under this section may not:

(1) be assessed before the fiscal year following the fiscal year in which the balance in the low-level radioactive waste fund falls below \$4 million;

(2) be assessed in an amount that would result in a total amount of fees assessed that exceeds \$3 million in any fiscal biennium; or

(3) be collected at any time the low-level radioactive waste fund balance is \$9 million or more.

(f) For each [~~the 1996-1997~~] biennium [~~and subsequent bienniums~~], the

board shall assess a surcharge of 10 percent of the fee established for the biennium.

~~(f) For the 1994-1995 biennium only, the board shall assess a surcharge of 10 percent of the fee established for the 1992-1993 biennium.]~~

(g) Surcharges assessed under Subsection ~~[Subsections (e) and]~~ (f) shall be used to fund local public projects under Subchapter I.

(h) In determining relative hazard, the board shall consider the radioactive, physical, and chemical properties of each type of low-level radioactive waste.

(i) On termination of the imposition of fees under Subsection (d)(5), the balance of the low-level radioactive waste fund attributable to planning and implementation fees shall be transferred to a separate account in the fund and credited pro rata to generators who have paid planning and implementation fees. A generator who on the date the imposition of the fees is terminated has paid all planning and implementation fees owed by the generator under this section shall receive a credit equal to the amount of the generator's pro rata share in the account established under this section against waste disposal fees the generator is required to pay under Section 402.272 until the balance of the generator's pro rata share in the account is exhausted. A generator who on the date the imposition of the fees is terminated owes planning and implementation fees under this section is not eligible for the credit."

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

Amend **HB 1172** in SECTION 33 of the bill by striking amended Section 402.275(c), Health and Safety Code (Committee Printing, page 11, line 68 through page 12, line 5), and substituting the following:

(c) Money received by the authority, including waste disposal fees, planning and implementation fees, surcharges on planning and implementation fees, processing and packaging fees, civil penalties, payments made by a party state to a low-level radioactive waste compact entered into under Section 402.219(c), ~~[payments to the State of Texas under Public Law 99-240;]~~ and other receipts collected by the authority under this chapter shall be deposited to the credit of the low-level radioactive waste fund.

### **Senate Amendment No. 3**

Amend **HB 1172** by adding a new SECTION 5 and a new SECTION 6 to read as follows and renumbering the subsequent sections appropriately:

SECTION 5. Section 401.104, Health and Safety Code, is amended by amending Subsection (a) and (b) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsections ~~[Subsection]~~ (b) and (e), the board by rule shall provide for the general or specific licensing of:

- (1) radioactive material; or
- (2) devices or equipment using radioactive material.

(b) Except as provided by Subsection (e), the ~~[The]~~ commission by rule shall provide for licensing for the disposal of radioactive material except by-product material defined by Section 401.003(3)(B). The department by rule shall provide for licensing the disposal of by-product material defined by Section 401.003(3)(B).

(e) The board or commission may not require a license for a person that is a party to an order issued under Section 361.188 or 361.272 for sites subject to Subchapter F, Chapter 361, or an agreement entered into under Section 361.606. This subsection does not exempt the person from complying with technical standards that a holder of a license otherwise required by this chapter for the particular activity is required to meet. The exemption granted by this subsection applies only to the assessment and remediation of the contamination at the site.

SECTION 6. Section 401.106, Health and Safety Code, is amended to read as follows:

Sec. 401.106. EXEMPTION FROM LICENSING OR REGISTRATION REQUIREMENTS OR FROM APPLICATION OF RULE. (a) The board by rule may exempt a source of radiation or a kind of use or user from the licensing or registration requirements provided by this chapter if the board finds that the exemption of that source of radiation or kind of use or user will not constitute a significant risk to the public health and safety and the environment.

(b) The department or commission, as applicable, may exempt a source of radiation or a kind of use or user from the application of a rule adopted by the department or commission under this chapter if the department or commission, respectively, determines that the exemption:

(1) is not prohibited by law; and

(2) will not result in a significant risk to public health and safety and the environment.

(c) Notwithstanding any other law, the commission may, on request or its own initiative, authorize on-site disposal of low-level radioactive waste on a specific basis at any site at which low-level radioactive waste disposal operations began before September 1, 1989, if after evaluation of the specific characteristics of the waste, the disposal site, and the method of disposal, the commission finds that the continuation of the disposal activity will not constitute a significant risk to the public health and safety and to the environment.

#### **Senate Amendment No. 4**

Amend **HB 1172**, 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."

#### **HOUSE AT EASE**

At 12 p.m., the chair announced that the house would stand at ease.

The chair called the house to order at 2 p.m.

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).



**HB 1861 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1861**, A bill to be entitled An Act relating to increasing private investments in transportation infrastructure in the border region.

Representative B. Turner 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 1861**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1861**: Gutierrez, chair, Alexander, Hawley, Siebert, and Noriega.

**SB 957 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative B. Turner, the house granted the request of the senate for the appointment of a conference committee on **SB 957**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 957**: Eiland, chair, Smithee, Seaman, Thompson, and J. Moreno.

**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. 69).

**HR 1294 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1294**, suspending the limitations on the conferees for **SB 365**.

**HCR 310 - ADOPTED  
(by Brimer)**

The following privileged resolution was laid before the house:

**HCR 310**

WHEREAS, **HB 2045** has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED, That the enrolling clerk of the house of representatives hereby be instructed to correct **HB 2045** in SECTION 2 of the bill, by striking Sections 395.014(a)(7) and (8), Local Government Code, as added by Senate Floor Amendment No. 1, and substituting the following:

(7) a credit for the portion of ad valorem tax and utility service revenues generated by new service units during the 10-year program period that are used for the payment for capital improvements, including the payment of debt, that are included or could be included in the capital improvement plan; or

(8) a credit equal to 50 percent of the total cost of the capital improvements included in the capital improvement plan.

**HCR 310** was adopted without objection.

**HR 1166 - ADOPTED**  
**(by Edwards)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 1166**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1166**, Honoring Lawrence Collins for his legislative service.

**HR 1166** was read and was adopted without objection.

On motion of Representative Eiland, the names of all the members of the house were added to **HR 1166** as signers thereof.

**INTRODUCTION OF GUEST**

The chair recognized Representative Edwards, who introduced Lawrence Collins, director of the House Appropriations Committee.

(Speaker in the chair)

**HB 1607 - HOUSE DISCHARGES CONFEREES**  
**HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

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

**HB 1607**, A bill to be entitled An Act relating to the assignment of a statutory probate court judge to hear a contested probate matter.

Representative Thompson moved to discharge the conferees and concur in the senate amendments to **HB 1607**.

The motion prevailed without objection.

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

SECTION 2. Section 606(b), Texas Probate Code, is amended to read as follows:

(b) In those counties in which there is no statutory probate court, county court at law, or other statutory court exercising the jurisdiction of a probate court, all applications, petitions and motions regarding guardianships, mental health matters, and other matters covered by this chapter shall be filed and heard in the county court, except that in contested guardianship matters, the

judge of the county court may on the judge's own motion, or shall on the motion of any party to the proceeding, according to the motion, request as provided by Section 25.0022, Government Code, the assignment of a statutory probate court judge to hear the contested portion of the proceeding, or transfer the contested portion of the proceeding to the district court, which may hear the transferred contested matters as if originally filed in the district court. If the judge of the county court has not transferred a contested guardianship matter to the district court at the time a party files a motion for assignment of a statutory probate court judge, the county judge shall grant the motion and may not transfer the matter to district court unless the party withdraws the motion. A statutory probate court judge assigned to a contested probate matter as provided by this subsection has for that matter the jurisdiction and authority granted to a statutory probate court by Sections 607 and 608 of this code. The county court continues to exercise jurisdiction over the management of the guardianship with the exception of the contested matter until final disposition of the contested matter is made by the assigned judge or the district court. In contested matters transferred to the district court as provided by this subsection, the district court, concurrently with the county court, has the general jurisdiction of a probate court. On resolution of all pending contested matters, the district court shall transfer the contested portion of the guardianship proceeding to the county court for further proceedings not inconsistent with the orders of the district court. If a contested portion of the proceeding is transferred to a district court under this subsection, the clerk of the district court may perform in relation to the transferred portion of the proceeding any function a county clerk may perform in that type of contested proceeding.

**HR 1301 - ADOPTED**  
**(by Bailey)**

Representative Bailey moved to suspend all necessary rules to take up and consider at this time **HR 1301**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1301**, Commemorating the 10th anniversary of Aldine Y.O.U.T.H.

**HR 1301** was adopted without objection.

**HR 1294 - ADOPTED**  
**(by McCall)**

The following privileged resolution was laid before the house:

**HR 1294**

BE IT RESOLVED by the House of Representatives of the State of Texas, 76th Legislature, Regular Session, 1999, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 365**, relating to the continuation and the functions of the Texas Department of Criminal Justice, the administration of the Private Sector Prison Industries

Oversight Authority, and the administration of the Texas Council on Offenders with Mental Impairments, to consider and take action on the following matter:

House Rule 13, Sections 9(a)(3) and (4), are suspended to permit the committee to add a new article to read as follows:

#### ARTICLE 4

SECTION 4.01. The Health and Safety Code is amended by adding Title 11 to read as follows:

### TITLE 11. CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

#### CHAPTER 841. CIVIL COMMITMENT OF SEXUALLY VIOLENT PREDATORS

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 841.001. LEGISLATIVE FINDINGS. The legislature finds that a small but extremely dangerous group of sexually violent predators exists and that those predators have a behavioral abnormality that is not amenable to traditional mental illness treatment modalities and that makes the predators likely to engage in repeated predatory acts of sexual violence. The legislature finds that the existing involuntary commitment provisions of Subtitle C, Title 7, are inadequate to address the risk of repeated predatory behavior that sexually violent predators pose to society. The legislature further finds that treatment modalities for sexually violent predators are different from the traditional treatment modalities for persons appropriate for involuntary commitment under Subtitle C, Title 7. Thus, the legislature finds that a civil commitment procedure for the long-term supervision and treatment of sexually violent predators is necessary and in the interest of the state.

Sec. 841.002. DEFINITIONS. In this chapter:

(1) "Attorney representing the state" means an attorney employed by the prison prosecution unit to initiate and pursue a civil commitment proceeding under this chapter.

(2) "Behavioral abnormality" means a congenital or acquired condition that, by affecting a person's emotional or volitional capacity, predisposes the person to commit a sexually violent offense, to the extent that the person becomes a menace to the health and safety of another person.

(3) "Case manager" means a person employed by or under contract with the council to perform duties related to outpatient treatment and supervision of a person committed under this chapter.

(4) "Council" means the Interagency Council on Sex Offender Treatment.

(5) "Predatory act" means an act that is committed for the purpose of victimization and that is directed toward:

(A) a stranger;

(B) a person of casual acquaintance with whom no substantial relationship exists; or

(C) a person with whom a relationship has been established or promoted for the purpose of victimization.

(6) "Repeat sexually violent offender" has the meaning assigned by Section 841.003.

(7) "Secure correctional facility" means a county jail or a

confinement facility operated by or under contract with any division of the Texas Department of Criminal Justice.

(8) "Sexually violent offense" means:

(A) an offense under Section 21.11(a)(1), 22.011, or 22.021, Penal Code;

(B) an offense under Section 20.04(a)(4), Penal Code, if the defendant committed the offense with the intent to violate or abuse the victim sexually;

(C) an offense under Section 30.02, Penal Code, if the offense is punishable under Subsection (d) of that section and the defendant committed the offense with the intent to commit an offense listed in Paragraph (A) or (B);

(D) an attempt, conspiracy, or solicitation, as defined by Chapter 15, Penal Code, to commit an offense listed in Paragraph (A), (B), or (C);

(E) an offense under prior state law that contains elements substantially similar to the elements of an offense listed in Paragraph (A), (B), (C), or (D); or

(F) an offense under the law of another state, federal law, or the Uniform Code of Military Justice that contains elements substantially similar to the elements of an offense listed in Paragraph (A), (B), (C), or (D).

(9) "Sexually violent predator" has the meaning assigned by Section 841.003.

(10) "Tracking service" means an electronic monitoring service, global positioning satellite service, or other appropriate technological service that is designed to track a person's location.

Sec. 841.003. SEXUALLY VIOLENT PREDATOR. (a) A person is a sexually violent predator for the purposes of this chapter if the person:

(1) is a repeat sexually violent offender; and

(2) suffers from a behavioral abnormality that makes the person likely to engage in a predatory act of sexual violence.

(b) A person is a repeat sexually violent offender for the purposes of this chapter if the person is convicted of more than one sexually violent offense and a sentence is imposed for at least one of the offenses or if:

(1) the person:

(A) is convicted of a sexually violent offense, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the person was subsequently discharged from community supervision;

(B) enters a plea of guilty or nolo contendere for a sexually violent offense in return for a grant of deferred adjudication;

(C) is adjudged not guilty by reason of insanity of a sexually violent offense; or

(D) is adjudicated by a juvenile court as having engaged in delinquent conduct constituting a sexually violent offense and is committed to the Texas Youth Commission under Section 54.04(d)(3) or (m), Family Code; and

(2) after the date on which under Subdivision (1) the person is

convicted, receives a grant of deferred adjudication, is adjudged not guilty by reason of insanity, or is adjudicated by a juvenile court as having engaged in delinquent conduct, the person commits a sexually violent offense for which the person:

(A) is convicted, but only if the sentence for the offense is imposed; or

(B) is adjudged not guilty by reason of insanity.

Sec. 841.004. PRISON PROSECUTION UNIT. A special division of the prison prosecution unit, separate from that part of the unit responsible for prosecuting criminal cases, is responsible for initiating and pursuing a civil commitment proceeding under this chapter.

Sec. 841.005. OFFICE OF STATE COUNSEL FOR OFFENDERS. The Office of State Counsel for Offenders shall represent a person subject to a civil commitment proceeding under this chapter.

Sec. 841.006. APPLICATION OF CHAPTER. This chapter does not:

(1) prohibit a person committed under this chapter from filing at any time a petition for release under this chapter; or

(2) create for the committed person a cause of action against another person for failure to give notice within a period required by Subchapter B.

Sec. 841.007. DUTIES OF INTERAGENCY COUNCIL ON SEX OFFENDER TREATMENT. The Interagency Council on Sex Offender Treatment is responsible for providing appropriate and necessary treatment and supervision through the case management system.

[Sections 841.008-841.020 reserved for expansion]

SUBCHAPTER B. NOTICE OF POTENTIAL PREDATOR;  
INITIAL DETERMINATIONS

Sec. 841.021. NOTICE OF POTENTIAL PREDATOR. (a) Before the person's anticipated release date, the Texas Department of Criminal Justice shall give to the multidisciplinary team established under Section 841.022 written notice of the anticipated release of a person who:

(1) is serving a sentence for a sexually violent offense; and

(2) may be a repeat sexually violent offender.

(b) Before the person's anticipated discharge date, the Texas Department of Mental Health and Mental Retardation shall give to the multidisciplinary team established under Section 841.022 written notice of the anticipated discharge of a person who:

(1) is committed to the department after having been adjudged not guilty by reason of insanity of a sexually violent offense; and

(2) may be a repeat sexually violent offender.

(c) The Texas Department of Criminal Justice or the Texas Department of Mental Health and Mental Retardation, as appropriate, shall give the notice described by Subsection (a) or (b) not later than the first day of the 16th month before the person's anticipated release or discharge date, but under exigent circumstances may give the notice at any time before the anticipated release or discharge date. The notice must contain the following information:

(1) the person's name, identifying factors, anticipated residence after release or discharge, and criminal history;

(2) documentation of the person's institutional adjustment and actual treatment; and

(3) an assessment of the likelihood that the person will commit a sexually violent offense after release or discharge.

Sec. 841.022. MULTIDISCIPLINARY TEAM. (a) The executive director of the Texas Department of Criminal Justice and the commissioner of the Texas Department of Mental Health and Mental Retardation jointly shall establish a multidisciplinary team to review available records of a person referred to the team under Section 841.021. The team must include:

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

(2) three persons from the Texas Department of Criminal Justice, one of whom must be from the victim services office of that department;

(3) one person from the Texas Department of Public Safety; and

(4) one person from the council.

(b) The multidisciplinary team may request the assistance of other persons in making a determination under this section.

(c) Not later than the 30th day after the date the multidisciplinary team receives notice under Section 841.021(a) or (b), the team shall:

(1) determine whether the person is a repeat sexually violent offender and whether the person is likely to commit a sexually violent offense after release or discharge;

(2) give notice of that determination to the Texas Department of Criminal Justice or the Texas Department of Mental Health and Mental Retardation, as appropriate; and

(3) recommend the assessment of the person for a behavioral abnormality, as appropriate.

Sec. 841.023. ASSESSMENT FOR BEHAVIORAL ABNORMALITY. (a) Not later than the 30th day after the date of a recommendation under Section 841.022(c), the Texas Department of Criminal Justice or the Texas Department of Mental Health and Mental Retardation, as appropriate, shall determine whether the person suffers from a behavioral abnormality that makes the person likely to engage in a predatory act of sexual violence. To aid in the determination, the department required to make the determination shall use an expert to examine the person. That department may contract for the expert services required by this subsection. The expert shall make a clinical assessment based on testing for psychopathy, a clinical interview, and other appropriate assessments and techniques to aid in the determination.

(b) If the Texas Department of Criminal Justice or the Texas Department of Mental Health and Mental Retardation determines that the person suffers from a behavioral abnormality, the department making the determination shall give notice of that determination and provide corresponding documentation to the attorney representing the state not later than the 30th day after the date of a recommendation under Section 841.022(c).

[Sections 841.024-841.040 reserved for expansion]

#### SUBCHAPTER C. PETITION ALLEGING PREDATOR STATUS

Sec. 841.041. PETITION ALLEGING PREDATOR STATUS. (a) If a person is referred to the attorney representing the state under Section 841.023, the attorney may file, in a Montgomery County district court other than a family district court, a petition alleging that the person is a sexually violent predator and stating facts sufficient to support the allegation.

(b) A petition described by Subsection (a) must be filed not later than the 60th day after the date the person is referred to the attorney representing the state.

[Sections 841.042-841.060 reserved for expansion]

#### SUBCHAPTER D. TRIAL

Sec. 841.061. TRIAL. (a) Not later than the 60th day after the date a petition is filed under Section 841.041, the judge shall conduct a trial to determine whether the person is a sexually violent predator.

(b) The person or the state is entitled to a jury trial on demand. A demand for a jury trial must be filed in writing not later than the 10th day before the date the trial is scheduled to begin.

(c) The person and the state are entitled to an immediate examination of the person by an expert.

(d) Additional rights of the person at the trial include the following:

(1) the right to appear at the trial;

(2) the right to present evidence on the person's behalf;

(3) the right to cross-examine a witness who testifies against the person; and

(4) the right to view and copy all petitions and reports in the court file.

(e) The attorney representing the state may rely on the petition filed under Section 841.041 and supplement the petition with documentary evidence or live testimony.

Sec. 841.062. DETERMINATION OF PREDATOR STATUS. (a) The judge or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. Either the state or the person is entitled to appeal the determination.

(b) A jury determination that the person is a sexually violent predator must be by unanimous verdict.

Sec. 841.063. CONTINUANCE. The judge may continue a trial conducted under Section 841.061 if the person is not substantially prejudiced by the continuance and:

(1) on the request of either party and a showing of good cause; or

(2) on the judge's own motion in the due administration of justice.

Sec. 841.064. MISTRIAL. A trial following a mistrial must begin not later than the 90th day after the date a mistrial was declared in the previous trial, unless the later trial is continued as provided by Section 841.063.

[Sections 841.065-841.080 reserved for expansion]

#### SUBCHAPTER E. CIVIL COMMITMENT

Sec. 841.081. CIVIL COMMITMENT OF PREDATOR. If at a trial conducted under Subchapter D the judge or jury determines that the person is a sexually violent predator, the judge shall commit the person for outpatient treatment and supervision to be coordinated by the case manager. The outpatient treatment and supervision must begin on the person's release from a secure correctional facility or discharge from a state hospital and must continue until the person's behavioral abnormality has changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence.



Sec. 841.082. COMMITMENT REQUIREMENTS. (a) Before entering an order directing a person's outpatient civil commitment, the judge shall impose on the person requirements necessary to ensure the person's compliance with treatment and supervision and to protect the community. The requirements shall include:

(1) requiring the person to reside in a particular location;  
(2) prohibiting the person's contact with a victim or potential victim of the person;

(3) prohibiting the person's use of alcohol or a controlled substance;  
(4) requiring the person's participation in a specific course of treatment;

(5) requiring the person to submit to tracking under a particular type of tracking service and to any other appropriate supervision;

(6) prohibiting the person from changing the person's residence without prior authorization from the judge and from leaving the state without that authorization;

(7) if determined appropriate by the judge, establishing a child safety zone in the same manner as a child safety zone is established by a judge under Section 13B, Article 42.12, Code of Criminal Procedure, and requiring the person to comply with requirements related to the safety zone;

(8) requiring the person to notify the case manager within 48 hours of any change in the person's status that affects proper treatment and supervision, including a change in the person's physical health or job status and including any incarceration of the person; and

(9) any other requirements determined necessary by the judge.

(b) The judge shall provide a copy of the requirements imposed under Subsection (a) to the person and to the council. The council shall provide a copy of those requirements to the case manager and to the service providers.

(c) Immediately after the person's commitment, the judge shall transfer jurisdiction of the case to a district court, other than a family district court, having jurisdiction in the county in which the defendant is residing.

Sec. 841.083. TREATMENT; SUPERVISION. (a) The council shall approve and contract for the provision of a treatment plan for the committed person to be developed by the treatment provider. A treatment plan may include the monitoring of the person with a polygraph or plethysmograph. The treatment provider may receive annual compensation in an amount not to exceed \$6,000 for providing the required treatment.

(b) The case manager shall provide supervision to the person. The provision of supervision shall include tracking services and, if required by court order, supervised housing.

(c) The council shall enter into an interagency agreement with the Department of Public Safety for the provision of tracking services. The Department of Public Safety shall contract with the General Services Commission for the equipment necessary to implement those services.

(d) The council shall contract for any necessary supervised housing. The committed person may not be housed for any period of time in a mental health facility, state school, or community center. In this subsection:

(1) "Community center" means a center established under Subchapter A, Chapter 534.

(2) "Mental health facility" has the meaning assigned by Section 571.003.

(3) "State school" has the meaning assigned by Section 531.002.

(e) The case manager shall:

(1) coordinate the outpatient treatment and supervision required by this chapter, including performing a periodic assessment of the success of that treatment and supervision;

(2) make timely recommendations to the judge on whether to allow the committed person to change residence or to leave the state and on any other appropriate matters; and

(3) provide a report to the council, semiannually or more frequently as necessary, which must include:

(A) any known change in the person's status that affects proper treatment and supervision; and

(B) any recommendations made to the judge.

Sec. 841.084. PROVIDER STATUS REPORTS. A treatment provider or a supervision provider other than the case manager shall submit, monthly or more frequently if required by the case manager, a report to the case manager stating whether the person is complying with treatment or supervision requirements, as applicable.

Sec. 841.085. CRIMINAL PENALTY. A person commits an offense if the person violates a requirement imposed under Section 841.082. An offense under this section is a felony of the third degree.

[Sections 841.086-841.100 reserved for expansion]

#### SUBCHAPTER F. COMMITMENT REVIEW

Sec. 841.101. BIENNIAL EXAMINATION. (a) A person committed under Section 841.081 shall receive a biennial examination. The council shall contract for an expert to perform the examination.

(b) In preparation for a judicial review conducted under Section 841.102, the case manager shall provide a report of the biennial examination to the judge. The report must include consideration of whether to modify a requirement imposed on the person under this chapter and whether to release the person from all requirements imposed on the person under this chapter. The case manager shall provide a copy of the report to the council.

Sec. 841.102. BIENNIAL REVIEW. (a) The judge shall conduct a biennial review of the status of the committed person.

(b) The person is entitled to be represented by counsel at the biennial review, but the person is not entitled to be present at that review.

(c) The judge shall set a hearing if the judge determines at the biennial review that:

(1) a requirement imposed on the person under this chapter should be modified; or

(2) probable cause exists to believe that the person's behavioral abnormality has changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence.

Sec. 841.103. HEARING. (a) At a hearing set by the judge under

Section 841.102, the person and the state are entitled to an immediate examination of the person by an expert.

(b) If the hearing is set under Section 841.102(c)(1), hearsay evidence is admissible if it is considered otherwise reliable by the judge.

(c) If the hearing is set under Section 841.102(c)(2), the committed person is entitled to be present and to have the benefit of all constitutional protections provided to the person at the initial civil commitment proceeding. On the request of the person or the attorney representing the state, the court shall conduct the hearing before a jury. The burden of proof at that hearing is on the state to prove beyond a reasonable doubt that the person's behavioral abnormality has not changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence.

[Sections 841.104-841.120 reserved for expansion]

#### SUBCHAPTER G. PETITION FOR RELEASE

Sec. 841.121. AUTHORIZED PETITION FOR RELEASE. (a) If the case manager determines that the committed person's behavioral abnormality has changed to the extent that the person is no longer likely to engage in a predatory act of sexual violence, the case manager shall authorize the person to petition the court for release.

(b) The petitioner shall serve a petition under this section on the court and the attorney representing the state.

(c) The judge shall set a hearing on a petition under this section not later than the 30th day after the date the judge receives the petition. The petitioner and the state are entitled to an immediate examination of the petitioner by an expert.

(d) On request of the petitioner or the attorney representing the state, the court shall conduct the hearing before a jury.

(e) The burden of proof at the hearing is on the state to prove beyond a reasonable doubt that the petitioner's behavioral abnormality has not changed to the extent that the petitioner is no longer likely to engage in a predatory act of sexual violence.

Sec. 841.122. RIGHT TO FILE UNAUTHORIZED PETITION FOR RELEASE. On a person's commitment and annually after that commitment, the case manager shall provide the person with written notice of the person's right to file with the court and without the case manager's authorization a petition for release.

#### Sec. 841.123. REVIEW OF UNAUTHORIZED PETITION FOR RELEASE.

(a) If the committed person files a petition for release without the case manager's authorization, the person shall serve the petition on the court and the attorney representing the state.

(b) On receipt of a petition for release filed by the committed person without the case manager's authorization, the judge shall attempt as soon as practicable to review the petition.

(c) Except as provided by Subsection (d), the judge shall deny without a hearing a petition for release filed without the case manager's authorization if the petition is frivolous or if:

(1) the petitioner previously filed without the case manager's authorization another petition for release; and

(2) the judge determined on review of the previous petition or following a hearing that:

(A) the petition was frivolous; or

(B) the petitioner's behavioral abnormality had not changed to the extent that the petitioner was no longer likely to engage in a predatory act of sexual violence.

(d) The judge is not required to deny a petition under Subsection (c) if probable cause exists to believe that the petitioner's behavioral abnormality has changed to the extent that the petitioner is no longer likely to engage in a predatory act of sexual violence.

Sec. 841.124. HEARING ON UNAUTHORIZED PETITION FOR RELEASE. (a) If as authorized by Section 841.123 the judge does not deny a petition for release filed by the committed person without the case manager's authorization, the judge shall conduct as soon as practicable a hearing on the petition.

(b) The petitioner and the state are entitled to an immediate examination of the person by an expert.

(c) On request of the petitioner or the attorney representing the state, the court shall conduct the hearing before a jury.

(d) The burden of proof at the hearing is on the state to prove beyond a reasonable doubt that the petitioner's behavioral abnormality has not changed to the extent that the petitioner is no longer likely to engage in a predatory act of sexual violence.

[Sections 841.125-841.140 reserved for expansion]

#### SUBCHAPTER H. MISCELLANEOUS PROVISIONS

Sec. 841.141. RULEMAKING AUTHORITY. (a) The council by rule shall administer this chapter. Rules adopted by the council under this section must be consistent with the purposes of this chapter.

(b) The council by rule shall develop standards of care and case management for persons committed under this chapter.

Sec. 841.142. RELEASE OR EXCHANGE OF INFORMATION. (a) To protect the public and to enable a determination relating to whether a person is a sexually violent predator, any entity that possesses relevant information relating to the person shall release the information to an entity charged with making a determination under this chapter.

(b) To protect the public and to enable the provision of supervision and treatment to a person who is a sexually violent predator, any entity that possesses relevant information relating to the person shall release the information to the case manager.

(c) On the written request of any attorney for another state or a political subdivision in another state, the Texas Department of Criminal Justice, the council, a service provider contracting with one of those agencies, the multidisciplinary team, and the attorney representing the state shall release to the attorney any available information relating to a person that is sought in connection with an attempt to civilly commit the person as a sexually violent predator in another state.

(d) To protect the public and to enable a determination relating to whether a person is a sexually violent predator or to enable the provision of

supervision and treatment to a person who is a sexually violent predator, the Texas Department of Criminal Justice, the council, a service provider contracting with one of those agencies, the multidisciplinary team, and the attorney representing the state may exchange any available information relating to the person.

(e) Information subject to release or exchange under this section includes information relating to the supervision, treatment, criminal history, or physical or mental health of the person, as appropriate, regardless of whether the information is otherwise confidential and regardless of when the information was created or collected. The person's consent is not required for release or exchange of information under this section.

Sec. 841.143. REPORT, RECORD, OR STATEMENT SUBMITTED TO COURT. (a) A psychological report, drug and alcohol report, treatment record, diagnostic report, medical record, or victim impact statement submitted to the court under this chapter is part of the record of the court.

(b) Notwithstanding Subsection (a), the report, record, or statement must be sealed and may be opened only:

(1) on order of the judge;

(2) as provided by this chapter; or

(3) in connection with a criminal proceeding as otherwise provided by law.

Sec. 841.144. COUNSEL. (a) At all stages of the civil commitment proceedings under this chapter, a person subject to a proceeding is entitled to the assistance of counsel.

(b) If the person is indigent, the court shall appoint counsel through the Office of State Counsel for Offenders to assist the person.

Sec. 841.145. EXPERT. (a) A person who is examined under this chapter may retain an expert to perform an examination or participate in a civil commitment proceeding on the person's behalf.

(b) On the request of an indigent person examined under this chapter, the judge shall determine whether expert services for the person are necessary. If the judge determines that the services are necessary, the judge shall appoint an expert to perform an examination or participate in a civil commitment proceeding on the person's behalf.

(c) The court shall approve reasonable compensation for expert services rendered on behalf of an indigent person on the filing of a certified compensation claim supported by a written statement specifying:

(1) time expended on behalf of the person;

(2) services rendered on behalf of the person;

(3) expenses incurred on behalf of the person; and

(4) compensation received in the same case or for the same services from any other source.

(d) The court shall ensure that an expert retained or appointed under this section has for purposes of examination reasonable access to a person examined under this chapter, as well as to all relevant medical and psychological records and reports.

Sec. 841.146. CIVIL COMMITMENT PROCEEDING; PROCEDURE AND COSTS. (a) On request, a person subject to a civil commitment proceeding

under this chapter and the attorney representing the state are entitled to a jury trial or a hearing before a jury for that proceeding, except for a proceeding set by the judge under Section 841.102(c)(1). The number and selection of jurors are governed by Chapter 33, Code of Criminal Procedure.

(b) A civil commitment proceeding is subject to the rules of procedure and appeal for civil cases.

(c) In an amount not to exceed \$1,600, the state shall pay the costs of a civil commitment proceeding conducted under Subchapter D. For any civil commitment proceeding conducted under this chapter, the state shall pay the costs of state or appointed counsel or experts and the costs of the person's outpatient treatment and supervision.

Sec. 841.147. IMMUNITY. The following persons are immune from liability for good faith conduct under this chapter:

(1) an employee or officer of the Texas Department of Criminal Justice, the Texas Department of Mental Health and Mental Retardation, or the council;

(2) a member of the multidisciplinary team established under Section 841.022;

(3) the attorney representing the state; and

(4) a person contracting, appointed, or volunteering to perform a service under this chapter.

SECTION 4.02. Sections 51.13(a) and (b), Family Code, are amended to read as follows:

(a) Except as provided by Subsection (d), an order of adjudication or disposition in a proceeding under this title is not a conviction of crime. Except as provided by Chapter 841, Health and Safety Code, an order of adjudication or disposition [~~-, and~~] does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(b) The adjudication or disposition of a child or evidence adduced in a hearing under this title may be used only in subsequent:

(1) proceedings under this title in which the child is a party;

(2) [~~or in subsequent~~] sentencing proceedings in criminal court against the child to the extent permitted by the Texas Code of Criminal Procedure, 1965; or

(3) civil commitment proceedings under Chapter 841, Health and Safety Code.

SECTION 4.03. Section 61.066, Human Resources Code, is amended to read as follows:

Sec. 61.066. COMMITMENT RECORDS. A commitment to the commission may not be received in evidence or used in any way in any proceedings in any court except in:

(1) subsequent proceedings under Title 3[;] of the Family Code against the same child;

(2) [~~-, and except in~~] imposing sentence in any criminal proceedings against the same person; or

(3) subsequent civil commitment proceedings under Chapter 841, Health and Safety Code, regarding the same person.

SECTION 4.04. Title 11, Health and Safety Code, as added by this Act, applies only to an individual who on or after January 1, 2000, is serving a sentence in the Texas Department of Criminal Justice or is committed to the Texas Department of Mental Health and Mental Retardation for an offense committed before, on, or after the effective date of this Act.

Explanation: This change is necessary to establish a process for the civil commitment of sexually violent predators.

**HR 1294** was adopted without objection.

#### **HR 1300 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1300**, suspending the limitations on the conferees for **HB 1275**.

#### **HR 1295 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1295**, suspending the limitations on the conferees for **SB 138**.

#### **PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR**

Representative Edwards moved to suspend all necessary rules to set a congratulatory and memorial calendar for Monday, May 31.

The motion prevailed without objection.

#### **PROVIDING FOR ADJOURNMENT**

Representative Uher moved that, pending the receipt of messages from the senate, granting requests of the senate for the appointment of conference committees, and signing bills in the presence of the house, the house adjourn until 1:00 p.m. tomorrow in memory of Mike Hinojosa.

The motion prevailed without objection.

(J. Moreno in the chair)

#### **MESSAGES FROM THE SENATE**

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

#### **MESSAGE FROM THE GOVERNOR**

The speaker laid out and had read the following message from the governor:

I hereby agree to return **HB 2354** to the House of Representatives for further consideration at the request of the Legislature presented by **HCR 292**.

Article IV, Section 14, of the Texas Constitution directs when and how the Governor can approve or veto any bill passed by both houses of the Legislature. In this instance, the Governor has taken no action on **HB 2354**, and the Legislature has requested by **HCR 292** that **HB 2354** be returned to

the House of Representatives. Pursuant to established case law, and while under no obligation to comply with the request, **HB 2354** is hereby returned to the House of Representatives for further consideration.

George W. Bush  
Governor  
(SEAL)  
May 28, 1999

### MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 5 and 6).

#### **SB 50 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 50**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 50**: Naishtat, chair, A. Reyna, Pickett, Dukes, and P. King.

#### **SB 86 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 86**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 86**: Danburg, chair, S. Turner, Brimer, Hunter, and Merritt.

#### **SB 528 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 528**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 528**: Giddings, chair, Hinojosa, Garcia, Dutton, and Haggerty.

#### **SB 558 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 558**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 558**: Garcia, chair, Naishtat, Christian, Talton, and Chavez.

#### **SB 655 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 655**.



The chair announced the appointment of the following conference committee, on the part of the house, on **SB 655**: Uresti, chair, C. Jones, J. F. Solis, Hunter, and Chavez.

**SB 694 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 694**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 694**: J. Solis, chair, T. King, Thompson, Capelo, and Uresti.

**SB 766 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 766**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 766**: Allen, chair, Chisum, Maxey, Gallego, and Zbranek.

**SB 947 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 947**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 947**: Maxey, chair, F. Brown, Rangel, Wohlgemuth, and Farabee.

**SB 982 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 982**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 982**: Van de Putte, chair, Smithee, Eiland, Thompson, and Burnam.

**SB 996 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 996**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 996**: Coleman, chair, Naishtat, J. Davis, Noriega, and Truitt.

**SB 1438 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 1438**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1438**: Wilson, chair, Pitts, McReynolds, Gutierrez, and Pickett.

**SB 1520 - REQUEST OF SENATE GRANTED  
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Van de Putte, the house granted the request of the senate for the appointment of a conference committee on **SB 1520**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1520**: Elkins, chair, Averitt, Marchant, Pitts, and Solomons.

**ADJOURNMENT**

In accordance with a previous motion, the house, at 11:08 a.m. Saturday, May 29, adjourned until 1:00 p.m. today.

**ADDENDUM**

**SIGNED BY THE SPEAKER**

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

**House List No. 67**

**HB 27, HB 51, HB 91, HB 236, HB 426, HB 450, HB 496, HB 509, HB 512, HB 524, HB 635, HB 641, HB 947, HB 955, HB 998, HB 1001, HB 1227, HB 1265, HB 1321, HB 1606, HB 1618, HB 1627, HB 1666, HB 1733, HB 1802, HB 1896, HB 1906, HB 1919, HB 1925, HB 1999, HB 2057, HB 2101, HB 2202, HB 2219, HB 2231, HB 2247, HB 2541, HB 2559, HB 2585, HB 2603, HB 2667, HB 2858, HB 2870, HB 2914, HB 2922, HB 2930, HB 2937, HB 2969, HB 3001, HB 3002, HB 3020, HB 3034, HB 3072, HB 3091, HB 3093, HB 3114, HB 3126, HB 3176, HB 3480, HB 3551, HB 3606, HB 3630, HB 3658, HB 3660, HB 3684, HB 3685, HB 3736, HB 3739, HB 3773, HB 3775, HB 3776, HB 3794, HB 3803, HB 3807, HB 3814, HB 3817, HB 3821, HCR 66, HCR 111, HCR 117, HCR 124, HCR 141, HCR 181, HCR 267, HCR 297**

**House List No. 68**

**HB 1, HB 508, HB 550, HB 836, HB 962, HB 1064, HB 1168, HB 1571, HB 1743, HB 1754, HB 1798, HB 1805, HB 1847, HB 1874, HB 1976, HB 2009, HB 2019, HB 2035, HB 2049, HB 2207, HB 2220, HB 2394, HB 2408, HB 2539, HB 2655, HB 2706, HB 2729, HB 2754, HB 2758, HB 2759, HB 2764, HB 2769, HB 2781, HB 2785, HB 2806, HB 2822, HB 2853, HB 2869, HB 2873, HB 2892, HB 2898, HB 2920, HB 3178, HB 3185, HB 3262, HB 3285, HB 3458, HB 3604, HB 3616, HB 3696, HB 3780, HB 3786, HB 3804, HB 3822, HB 3825, HB 3849, HCR 277**

**House List No. 69**

**HB 23, HB 747, HB 964, HB 1111, HB 1322, HB 1328, HB 1379, HB 1420, HB 1542, HB 1654, HB 1655, HB 1697, HB 1764, HB 1876, HB 1921, HB 1956, HB 2017, HB 2032, HB 2034, HB 2172, HB 2252, HB 2253, HB 2260, HB 2265, HB 2269, HB 2272, HB 2275, HB 2300, HB 2397, HB 2415, HB 2429, HB 2455, HB 2469, HB 2522, HB 2536, HB 2563, HB 2572, HB 2574, HB 2711, HB 2795, HB 2819, HB 2842, HB 2856, HB 2879, HB 2890, HB 3125, HB 3257, HB 3265, HB 3277, HB 3343, HB 3355, HB 3401, HB 3447, HB 3448, HB 3450, HB 3451, HB 3452, HB 3463, HB 3641, HB 3656, HB 3823, HB 3826, HB 3827, HB 3838, HB 3845, HB 3854, HCR 96, HCR 178, HCR 306**

**MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1****MESSAGE FROM THE SENATE**

SENATE CHAMBER

Austin, Texas

Friday, May 28, 1999

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

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

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

**SB 261** (30 Yeas, 0 Nays)

**SB 1789** (30 Yeas, 0 Nays)

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

**SB 957**

Senate Conferees: Madla - Chair/Brown, J. E. "Buster"/Harris/Lucio/Sibley

**THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:**

**HB 1172**

Senate Conferees: Brown, J. E. "Buster" - Chair/Armbrister/Bivins/Duncan/Gallegos

**HB 1291**

Senate Conferees: Harris - Chair/Armbrister/Ellis, Rodney/Lucio/Nelson

**HB 1376**

Senate Conferees: Carona - Chair/Fraser/Jackson/Madla/Whitmire

**HB 2175**

Senate Conferees: Armbrister - Chair/Moncrief/Nelson/Nixon, Drew/Whitmire

**HB 2611**

Senate Conferees: Moncrief - Chair/Carona/Shapiro/Shapleigh/Wentworth

**HB 3255**

Senate Conferees: Carona - Chair/Armbrister/Duncan/Jackson/Shapiro

**HB 3757**

Senate Conferees: Carona - Chair/Bernsen/Nixon, Drew/Shapiro/Shapleigh

Respectfully,

Betty King

Secretary of the Senate

**Message No. 2**

## MESSAGE FROM THE SENATE

## SENATE CHAMBER

Austin, Texas

Friday, May 28, 1999 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

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

<b>SB 456</b>	(30 Yeas, 0 Nays)
<b>SB 525</b>	(viva-voce vote)
<b>SB 539</b>	(viva-voce vote)
<b>SB 562</b>	(30 Yeas, 0 Nays)
<b>SB 639</b>	(viva-voce vote)
<b>SB 754</b>	(viva-voce vote)
<b>SB 873</b>	(viva-voce vote)
<b>SB 967</b>	(viva-voce vote)
<b>SB 983</b>	(viva-voce vote)
<b>SB 1131</b>	(viva-voce vote)
<b>SB 1133</b>	(viva-voce vote)
<b>SB 1165</b>	(30 Yeas, 0 Nays)
<b>SB 1183</b>	(viva-voce vote)
<b>SB 1220</b>	(30 Yeas, 0 Nays)
<b>SB 1261</b>	(30 Yeas, 0 Nays)
<b>SB 1287</b>	(viva-voce vote)

**SB 1569** (30 Yeas, 0 Nays)  
**SB 1578** (30 Yeas, 0 Nays)  
**SB 1579** (viva-voce vote)  
**SB 1588** (viva-voce vote)  
**SB 1763** (30 Yeas, 0 Nays)  
**SB 1855** (30 Yeas, 0 Nays)  
**SCR 24** (viva-voce vote)

Respectfully,

Betty King  
 Secretary of the Senate

**Message No. 3**

MESSAGE FROM THE SENATE  
 SENATE CHAMBER

Austin, Texas  
 Friday, May 28, 1999 - 3

The Honorable Speaker of the House  
 House Chamber  
 Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 310** Brimer  
 Instructing the enrolling clerk of the house to make technical corrections H.B. 2045.

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 352**  
 Senate Conferees: Brown, J. E. "Buster" - Chair/Armbrister/Lindsay/Madla/Moncrief

**HB 542**  
 Senate Conferees: Fraser - Chair/Carona/Jackson/Lucio/Madla

**HB 551**  
 Senate Conferees: Fraser - Chair/Duncan/Ellis, Rodney/Ratliff/Sibley

**HB 571**  
 Senate Conferees: Nelson - Chair/Haywood/Shapiro/Wentworth/Zaffirini

**HB 662**  
 Senate Conferees: Wentworth - Chair/Brown, J. E. "Buster"/Duncan/Ellis, Rodney/Harris

**HB 673**  
 Senate Conferees: Lindsay - Chair/Moncrief/Shapiro/Wentworth/Zaffirini

**HB 744**

Senate Conferees: Bernsen - Chair/Cain/Ellis, Rodney/Jackson/Sibley

**HB 826**

Senate Conferees: Wentworth - Chair/Cain/Harris/Ratliff/West, Royce

**HB 918**

Senate Conferees: Wentworth - Chair/Brown, J. E. "Buster"/Duncan/Ellis, Rodney/Harris

**HB 932**

Senate Conferees: Shapleigh - Chair/Bernsen/Haywood/Jackson/Shapiro

**HB 1104**

Senate Conferees: Cain - Chair/Ogden/Ratliff/Sibley/West, Royce

**HB 1283**

Senate Conferees: Brown, J. E. "Buster" - C/Armbrister/Bernsen/Bivins/Ratliff

**HB 1444**

Senate Conferees: Moncrief - Chair/Lindsay/Nelson/Shapleigh/West, Royce

**HB 1498**

Senate Conferees: Sibley - Chair/Jackson/Madla/Nelson/Ogden

**HB 1702**

Senate Conferees: West, Royce - Chair/Bivins/Cain/Ellis, Rodney/Ratliff

**HB 1833**

Senate Conferees: Lucio - Chair/Brown, J. E. "Buster"/Madla/Ogden/Sibley

**HB 1933**

Senate Conferees: Shapiro - Chair/Bivins/Fraser/Lindsay/Wentworth

**HB 1939**

Senate Conferees: Harris - Chair/Ellis, Rodney/Madla/Nelson/Shapiro

**HB 2190**

Senate Conferees: Armbrister - Chair/Duncan/Harris/Nelson/Whitmire

**HB 2224**

Senate Conferees: Shapiro - Chair/Brown, J. E. "Buster"/Harris/Madla/Shapleigh

**HB 2748**

Senate Conferees: Sibley - Chair/Cain/Jackson/Madla/Nels

**HB 2815**

Senate Conferees: Brown, J. E. "Buster" - C/Armbrister/Bivins/Haywood/Lucio

**HB 2825**

Senate Conferees: Bernsen - Chair/Armbrister/Duncan/Haywood/Jackson

**HB 3061**

Senate Conferees: Bernsen - Chair/Jackson/Moncrief/Ogden/Shapleigh

**HB 3079**

Senate Conferees: Brown, J. E. "Buster" - C/Armbrister/Barrientos/Lucio/Ratliff

**HB 3182**

Senate Conferees: Harris - Chair/Lindsay/Lucio/Madla/Shapiro

**HB 3470**

Senate Conferees: Zaffirini - Chair/Barrientos/Bernsen/Carona/Gallegos

**HB 3549**

Senate Conferees: Wentworth - Chair/Brown, J. E. "Buster"/Cain/Harris/Ratliff

**HB 3582**

Senate Conferees: Haywood - Chair/Armbrister/Brown, J. E. "Buster"/Lucio/Shapleigh

**HB 3620**

Senate Conferees: Bernsen - Chair/Armbrister/Brown, J. E. "Buster"/Jackson/Lucio

**HB 3697**

Senate Conferees: Sibley - Chair/Armbrister/Cain/Fraser/Ratliff

**HB 3793**

Senate Conferees: Sibley - Chair/Armbrister/Bivins/Brown, J. E. "Buster"/Lucio

Respectfully,

Betty King

Secretary of the Senate

**Message No. 4**MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Friday, May 28, 1999 - 4

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

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

<b>SB 73</b>	(viva-voce vote)
<b>SB 153</b>	(30 yeas, 0 nays)
<b>SB 155</b>	(viva-voce vote)
<b>SB 223</b>	(viva-voce vote)
<b>SB 294</b>	(viva-voce vote)
<b>SB 339</b>	(30 yeas, 0 nays)
<b>SB 374</b>	(viva-voce vote)
<b>SB 391</b>	(30 yeas, 0 nays)
<b>SB 542</b>	(viva-voce vote)
<b>SB 581</b>	(viva-voce vote)

<b>SB 602</b>	(viva-voce vote)
<b>SB 673</b>	(viva-voce vote)
<b>SB 779</b>	(30 yeas, 0 nays)
<b>SB 896</b>	(viva-voce vote)
<b>SB 932</b>	(viva-voce vote)
<b>SB 984</b>	(viva-voce vote)
<b>SB 1026</b>	(30 yeas, 0 nays)
<b>SB 1031</b>	(viva-voce vote)
<b>SB 1088</b>	(30 yeas, 0 nays)
<b>SB 1106</b>	(viva-voce vote)
<b>SB 1288</b>	(viva-voce vote)
<b>SB 1435</b>	(viva-voce vote)
<b>SB 1436</b>	(viva-voce vote)
<b>SB 1451</b>	(viva-voce vote)
<b>SB 1775</b>	(viva-voce vote)
<b>SB 1804</b>	(viva-voce vote)

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

**SB 50**

Senate Conferees: Nelson - Chair/Armbrister/Jackson/Moncrief/Shapiro

**SB 86**

Senate Conferees: Nelson - Chair/Barrientos/Fraser/Sibley/West, Royce

**SB 528**

Senate Conferees: West, Royce - Chair/Duncan/Gallegos/Shapiro/Whitmire

**SB 558**

Senate Conferees: Lucio - Chair/Bernsen/Carona/Gallegos/Nixon, Drew

**SB 655**

Senate Conferees: Madla - Chair/Carona/Lucio/Ogden/Shapleigh

**SB 694**

Senate Conferees: Cain - Chair/Harris/Moncrief/Nixon, Drew/Wentworth

**SB 766**

Senate Conferees: Brown, J. E. "Buster" - C/Armbrister/Fraser/Lucio/West, Royce

**SB 947**

Senate Conferees: Barrientos - Chair/Cain/Nelson/West, Royce/Zaffirini

**SB 982**

Senate Conferees: Madla - Chair/Lindsay/Lucio/Nelson/Nixon, Drew

**SB 996**

Senate Conferees: Lindsay - Chair/Carona/Moncrief/Wentworth/Zaffirini

**SB 1520**

Senate Conferees: Madla - Chair/Brown, J. E. "Buster"/Lindsay/Lucio/Nixon, Drew



THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 153**

Senate Conferees: Moncrief - Chair/Armbrister/Nelson/Ratliff/Whitmire

**HB 211**

Senate Conferees: Sibley - Chair/Bivins/Cain/Nelson/West, Royce

**HB 564**

Senate Conferees: Shapleigh - Chair/Lucio/Ogden/Sibley/Truan

**HB 577**

Senate Conferees: Nelson - Chair/Armbrister/Jackson/Moncrief/Shapiro

**HB 1223**

Senate Conferees: Armbrister - Chair/Shapiro/Shapleigh/Wentworth/Zaffirini

**HB 1275**

Senate Conferees: Zaffirini - Chair/Barrientos/Cain/Carona/West, Royce

**HB 2147**

Senate Conferees: Shapleigh - Chair/Barrientos/Duncan/Ogden/Zaffirini

**HB 2896**

Senate Conferees: Moncrief - Chair/Lindsay/Nelson/Shapleigh/West, Royce

**HB 3016**

Senate Conferees: Sibley - Chair/Armbrister/Jackson/Madla/Nelson

**HB 3211**

Senate Conferees: Duncan - Chair/Armbrister/Fraser/Moncrief/Ratliff

THE SENATE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

**SB 731** (30 yeas, 0 nays)

THE SENATE HAS RECOMMENDED THE FOLLOWING MEASURES TO CONFERENCE COMMITTEE:

**SB 371**

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 5**

MESSAGE FROM THE SENATE  
SENATE CHAMBER

Austin, Texas

Friday, May 28, 1999 - 5

The Honorable Speaker of the House  
House Chamber

Austin, Texas

Mr. Speaker:

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

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

<b>SB 403</b>	(viva-voce vote)
<b>SB 434</b>	(viva-voce vote)
<b>SB 463</b>	(30 Yeas, 0 Nays)
<b>SB 469</b>	(viva-voce vote)
<b>SB 496</b>	(viva-voce vote)
<b>SB 510</b>	(30 Yeas, 0 Nays)
<b>SB 576</b>	(30 Yeas, 0 Nays)
<b>SB 609</b>	(viva-voce vote)
<b>SB 623</b>	(30 Yeas, 0 Nays)
<b>SB 624</b>	(viva-voce vote)
<b>SB 666</b>	(viva-voce vote)
<b>SB 669</b>	(viva-voce vote)
<b>SB 724</b>	(viva-voce vote)
<b>SB 751</b>	(30 Yeas, 0 Nays)
<b>SB 773</b>	(viva-voce vote)
<b>SB 777</b>	(30 Yeas, 0 Nays)
<b>SB 995</b>	(30 Yeas, 0 Nays)
<b>SB 1100</b>	(viva-voce vote)
<b>SB 1122</b>	(30 Yeas, 0 Nays)
<b>SB 1127</b>	(30 Yeas, 0 Nays)
<b>SB 1169</b>	(viva-voce vote)
<b>SB 1171</b>	(viva-voce vote)
<b>SB 1195</b>	(viva-voce vote)
<b>SB 1232</b>	(viva-voce vote)
<b>SB 1238</b>	(30 Yeas, 0 Nays)
<b>SB 1249</b>	(viva-voce vote)
<b>SB 1441</b>	(viva-voce vote)
<b>SB 1468</b>	(viva-voce vote)
<b>SB 1724</b>	(viva-voce vote)
<b>SB 1784</b>	(viva-voce vote)
<b>SB 1840</b>	(viva-voce vote)
<b>SB 1906</b>	(viva-voce vote)
<b>SB 1911</b>	(viva-voce vote)
<b>SCR 6</b>	(viva-voce vote)
<b>SCR 33</b>	(viva-voce vote)
<b>SCR 56</b>	(viva-voce vote)
<b>SCR 68</b>	(viva-voce vote)

Respectfully,

Betty King  
Secretary of the Senate

**Message No. 6**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Friday, May 28, 1999 - 6

The Honorable Speaker of the House  
House Chamber  
Austin, Texas  
Mr. Speaker:

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

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

**SB 1438**

Senate Conferees: Duncan - Chair/Cain/Moncrief/Ratliff/Shapiro

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

**HB 1123**

Senate Conferees: Cain - Chair/Duncan/Ellis, Rodney/Harris/Wentworth

**HB 1140**

Senate Conferees: Armbrister - Chair/Bivins/Moncrief/Nelson/Whitmire

**HB 1453**

Senate Conferees: Madla - Chair/Armbrister/Carona/Harris/Sibley

**HB 1603**

Senate Conferees: Harris - Chair/Armbrister/Ellis, Rodney/Madla/Nelson

**HB 1961**

Senate Conferees: Barrientos - Chair/Bivins/Nelson/Sibley/Zaffirini

**HB 1983**

Senate Conferees: Madla - Chair/Duncan/Haywood/Lucio/Sibley

**HB 1997**

Senate Conferees: Madla - Chair/Duncan/Ellis, Rodney/Lucio/Sibley

**HB 2031**

Senate Conferees: Armbrister - Chair/Harris/Shapiro/Shapleigh/Zaffirini

**HB 2409**

Senate Conferees: Bernsen - Chair/Armbrister/Cain/Jackson/Shapleigh

**HB 3041**

Senate Conferees: Sibley - Chair/Armbrister/Cain/Duncan/Madla

Respectfully,

Betty King  
Secretary of the Senate

---

**APPENDIX**

---

**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 4**

Pensions & Investments - **HB 3660**

Land & Resource Management - **HB 3700**

**May 5**

Ways & Means - **HB 175, HB 3549**

Criminal Jurisprudence - **HB 3457**

**May 6**

Business & Industry - **SB 478**

Land & Resource Management - **SB 1446**

**May 7**

Elections - **SB 971**

**May 10**

Urban Affairs - **SB 264**

Transportation - **SB 1019**

**May 11**

Criminal Jurisprudence - **SB 799, SB 840**

**May 12**

Financial Institutions - **SJR 12**

**May 17**

State Affairs - **SB 1133**

**ENROLLED**

**May 27 - HB 27, HB 51, HB 59, HB 89, HB 91, HB 98, HB 108, HB 116, HB 163, HB 213, HB 236, HB 243, HB 245, HB 261, HB 269, HB 318, HB 319, HB 351, HB 426, HB 450, HB 496, HB 509, HB 512, HB 524, HB 580, HB 635, HB 641, HB 652, HB 668, HB 703, HB 714, HB 722, HB 729, HB 734, HB 756, HB 780, HB 804, HB 806, HB 834, HB 861, HB 916, HB 926, HB 947, HB 953, HB 955, HB 965, HB 969, HB 998, HB 1001, HB 1027, HB 1066, HB 1070, HB 1078, HB 1082, HB 1086, HB 1097, HB 1103, HB 1137, HB 1148, HB 1159, HB 1176, HB 1184, HB 1211, HB 1217, HB 1219, HB 1224, HB 1227, HB 1265, HB 1321, HB 1333, HB 1337, HB 1350, HB 1353, HB 1354, HB 1374, HB 1425, HB 1432, HB 1436, HB 1510, HB 1517, HB 1522, HB 1538,**

**HB 1545, HB 1562, HB 1563, HB 1575, HB 1583, HB 1586, HB 1604, HB 1606, HB 1616, HB 1618, HB 1627, HB 1666, HB 1733, HB 1802, HB 1896, HB 1906, HB 1919, HB 1924, HB 1925, HB 1999, HB 2057, HB 2059, HB 2101, HB 2109, HB 2135, HB 2146, HB 2151, HB 2152, HB 2162, HB 2164, HB 2166, HB 2201, HB 2202, HB 2219, HB 2231, HB 2247, HB 2281, HB 2541, HB 2547, HB 2559, HB 2585, HB 2603, HB 2663, HB 2667, HB 2858, HB 2870, HB 2914, HB 2915, HB 2922, HB 2930, HB 2937, HB 2941, HB 2968, HB 2969, HB 2971, HB 3001, HB 3002, HB 3020, HB 3034, HB 3059, HB 3072, HB 3091, HB 3093, HB 3114, HB 3126, HB 3159, HB 3176, HB 3204, HB 3207, HB 3324, HB 3342, HB 3480, HB 3551, HB 3606, HB 3630, HB 3658, HB 3660, HB 3684, HB 3685, HB 3736, HB 3739, HB 3773, HB 3775, HB 3776, HB 3794, HB 3803, HB 3807, HB 3809, HB 3814, HB 3817, HB 3821, HCR 66, HCR 111, HCR 117, HCR 124, HCR 141, HCR 181, HCR 265, HCR 267, HCR 288, HCR 289, HCR 297, HCR 300, HCR 301**