

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-NINTH DAY — WEDNESDAY, APRIL 25, 2001

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 200).

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

Absent, Excused — Hilbert.

The invocation was offered by Father Bill Davis, Immaculate Heart of Mary, Houston, as follows:

Wonderful Creator, we thank you for another beautiful day in Texas. Bless this awesome assembly of men and women who make the rules that protect and preserve this beautiful state. Open their eyes of faith and love in you and all your people.

Thank you for making Texas one of the beauty spots in your mysterious cosmos. As we celebrate springtime and your wildflowers, may we all have a reverence for trees, streams, clean air and little children who run and play.

Send your spirit upon each legislator. Enlighten their intelligence to discern the true and the real. Strengthen their wills to make courageous decisions. Help them live up to their responsibility to promote the common good of all.

As they discern the environment, human rights, decent wages, the best education, health care, and immigrants, may they be definite about the true, the beautiful. And always have the courage to take a stand against the pharisees of darkness and deception and lies. Be strong against the barons of greed who see no green in nature but only the green in their own pocket books. They would turn our beautiful Texas into another parking lot or an asphalt jungle.

May we all remember our own school days, bless those teachers and coaches who pushed us to graduate and succeed. May we do the same for our own children especially in our public schools. May they all be proud Texans and pledge allegiance with pride. Even if their grandfather still lives in Ho Chi Minh City or Zacatecas.

Give our legislators the sensitivity to hear the cry of a child with a toothache who can't afford a dentist because his daddy must make the mortgage payment, or feel the despair of a senior citizen on a fixed income who must decide between food or medicine. Amen.

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. 36 and Senate List No. 16).

CAPITOL PHYSICIAN

The speaker recognized Representative Mowery who presented Dr. Joane Baumer of Fort Worth as the "Doctor for the Day."

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

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).

INTRODUCTION OF GUESTS

The speaker recognized Representative Ramsay, who introduced members of the Texas Association of Counties.

HR 109, recognizing April 25, 2001, as County Government Day at the State Capitol and welcoming members of the Texas Association of Counties, having been previously adopted, was read.

HR 820 - ADOPTED

(by Callegari, Heflin, Howard, Williams, and Nixon)

Representative Callegari moved to suspend all necessary rules to take up and consider at this time **HR 820**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 820, Recognizing April 25, 2001, as Katy Day at the Capitol.

HR 820 was read and was adopted without objection.

On motion of Representative Williams, the names of all the members of the house were added to **HR 820** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Callegari, who introduced a delegation from Katy.

INTRODUCTION OF GUESTS

The speaker recognized Representative Wise, who introduced the family of the Honorable Renato Cuellar.

HR 844, in memory of the Honorable Renato Cuellar, having been previously adopted, was read.

Representatives Swinford, Hinojosa, and Goolsby, and Secretary of State Henry Cuellar briefly addressed the house on the legacy of the Honorable Renato Cuellar.

HR 869 - ADOPTED (by Hardcastle)

Representative Hardcastle moved to suspend all necessary rules to take up and consider at this time **HR 869**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 869, Recognizing May 5, 2001, as the Doans May Day Picnic.

HR 869 was adopted without objection.

HR 789 - ADOPTED (by Hunter)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 789**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 789, Honoring Sister Cities International and its Texas program for establishing and furthering rewarding international relationships.

HR 789 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Hunter, who introduced a delegation from the Texas Sister Cities International program, their visiting international delegates, and Australian consuls.

HCR 239 - ADOPTED (by Christian)

Representative Christian moved to suspend all necessary rules to take up and consider at this time **HCR 239**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 239, Honoring the Nine Flags Festival for promoting public awareness about the rich heritage of Nacogdoches County.

HCR 239 was adopted without objection.

HR 870 - ADOPTED
(by Merritt)

Representative Merritt moved to suspend all necessary rules to take up and consider at this time **HR 870**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 870, Congratulating the Spring Hill High School Leaders' Core.

HR 870 was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Merritt, who introduced students and teachers from Spring Hill High School.

HR 871 - ADOPTED
(by Giddings)

Representative Giddings moved to suspend all necessary rules to take up and consider at this time **HR 871**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 871, Congratulating St. Paul African Methodist Episcopal Church White Rock on the occasion of its May 6, 2001, Founders' Day celebration.

HR 871 was adopted without objection.

HCR 258 - ADOPTED
(by D. Jones)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HCR 258**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 258, Honoring Dr. O. Wayne Isom of New York City for his medical contributions.

HCR 258 was read and was adopted without objection.

On motion of Representative Uher, the names of all the members of the house were added to **HCR 258** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative D. Jones, who introduced Dr. O. Wayne Isom and his family.

HR 701 - ADOPTED
(by Carter, et al.)

Representative Carter moved to suspend all necessary rules to take up and consider at this time **HR 701**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 701, In memory of M. Cordell Hull of Fort Worth.

HR 701 was read and was unanimously adopted by a rising vote.

On motion of Representatives Counts and Swinford, the names of all the members of the house were added to **HR 701** as signers thereof.

HR 722 - ADOPTED
(by Pitts and Giddings)

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 722**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 722, Congratulating the Honorable Paul C. Moreno of El Paso on the occasion of his 70th birthday.

HR 722 was read and was adopted without objection.

On motion of Representative Pickett, the names of all the members of the house were added to **HR 722** as signers thereof.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HB 1362 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS

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

HB 1362, A bill to be entitled An Act relating to the regulation of dangerous wild animals; providing for the imposition of civil penalties and the prosecution and punishment of certain related offenses.

On motion of Representative Goodman, the house concurred in the senate amendments to **HB 1362**.

Senate Floor Amendment No. 1

Amend **HB 1362** as follows:

(1) In SECTION 1 of the bill, in added Section 822.101, Health and Safety Code (Senate Committee printing, page 1, line 61 through page 2, line 7), strike Subdivision (8).

(2) In SECTION 1 of the bill, in added Section 822.102, Health and Safety Code (Senate Committee printing, page 2, line 19), strike Subdivision (4) and renumber subsequent subdivisions accordingly.

(3) In SECTION 1 of the bill, at the end of added Section 822.102(a)(7)(B), Health and Safety Code (Senate Committee printing, page 2, line 34), between "state" and the semicolon, insert "or for a period not to exceed 30 days while the circus is performing outside the United States"

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

The following bill was laid before the house and read second time:

**SB 304 ON SECOND READING
(Bosse - House Sponsor)**

SB 304, A bill to be entitled An Act relating to the continuation and functions of the State Aircraft Pooling Board.

Amendment No. 1

Representatives Wilson and Dukes offered the following amendment to **SB 304**:

Amend **SB 304** by adding the following section to the bill, appropriately numbered, and renumbering the subsequent sections of the bill appropriately:

SECTION _____. Subchapter B, Chapter 21, Transportation Code, is amended by adding Section 21.069 to read as follows:

Sec. 21.069. STATE AIRPORT IN CENTRAL TEXAS. (a) The State Aircraft Pooling Board shall establish and maintain in Central Texas an airport open to the general public for the use of licensed aircraft. The State Aircraft Pooling Board shall move its headquarters to the state airport in Central Texas.

(b) In determining the appropriate location for a state airport in Central Texas, the State Aircraft Pooling Board shall consider:

(1) the convenience, comfort, and accommodation of air traffic flying into and departing from the Central Texas region, including persons traveling for business and commerce reasons, government officials, and tourists;

(2) in the interest of cost efficiency, property with existing airport facilities; and

(3) the safe operation of aircraft flying into and departing from the Central Texas region.

(c) The State Aircraft Pooling Board may acquire property by eminent domain that the board considers necessary to enable it to meet its responsibilities under this section.

(d) The State Aircraft Pooling Board may not consider for the purposes of this section any property in a municipality without the approval of the governing body of the municipality. The State Aircraft Pooling Board may not consider for the purposes of this section any property outside of municipalities without the approval of the commissioners court of the county in which the property is located.

(e) The State Aircraft Pooling Board may not consider for the purposes of this section any property owned by the most populous municipality in the region if the property was previously used as an airport.

(Hilbert now present)

Representative Bosse moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 2

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

Amend the Wilson Amendment to **SB 304** by striking Subsection (e).

Representative Wilson moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 1 was adopted.

SB 304, as amended, was passed to third reading. (Howard recorded voting no)

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bill was laid before the house and read third time:

**SB 232 ON THIRD READING
(Goolsby - House Sponsor)**

SB 232, A bill to be entitled An Act relating to the designation of a portion of Interstate Highway 30 between Dallas and Fort Worth as the Tom Landry Highway.

A record vote was requested.

SB 232 was passed by (Record 201): 149 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 522 ON SECOND READING
(Kuempel - House Sponsor)**

SB 522, A bill to be entitled An Act relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

Amendment No. 1

On behalf of Representative Tillery, Representative Kuempel offered the following amendment to **SB 522**:

Amend **SB 522** by adding the following appropriately numbered section and renumbering subsequent sections of the bill accordingly:

SECTION _____. Section 853.305(a), Government Code, is amended to read as follows:

(a) The governing body of a participating municipality by ordinance may authorize the granting of restricted prior service credit to an employee who is a member of the retirement system for service previously performed:

(1) as a full-time, paid employee of the United States, of any public authority or agency created by the United States, of any state or territory of the United States, of any political subdivision of any state of the United States, [or] of any public agency or authority created by a state or territory of the United States, or of an institution of higher education at which the person is commissioned as a campus security personnel employee under Section 51.212, Education Code, and for which service the person has not otherwise received credited service in this system, including combined service credit under Chapter 803; or

(2) as an employee of the state or any branch, agency, or subdivision of the state for which the person received credited service under the Employees Retirement System of Texas, the Teacher Retirement System of Texas, the Judicial Retirement System of Texas Plan One, the Judicial Retirement System of Texas Plan Two, the Texas County and District Retirement System, or this retirement system, and the credit for which was canceled because of withdrawal of contributions and has not been reinstated.

Amendment No. 1 was adopted without objection.

SB 522, as amended, was passed to third reading.

**SB 523 ON SECOND READING
(Kuempel - House Sponsor)**

SB 523, A bill to be entitled An Act relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

Amendment No. 1

Representative Zbrank offered the following amendment to **SB 523**:

Amend **SB 523** as follows:

(1) In SECTION 51 of the bill (Engrossed Version, page 62, line 1), strike "first-class mail" and substitute "certified mail, return receipt requested.".

(2) Between SECTION 52 of the bill and SECTION 53 of the bill (Engrossed Version, page 67, between lines 16 and 17), add the following SECTION, appropriately numbered, to the bill and renumber the subsequent SECTIONS of the bill accordingly:

SECTION __. Notwithstanding Section 845.407, Government Code, the Texas County and District Retirement System shall refund a penalty assessed under that section, less any administrative costs associated with the assessment, against a subdivision during the 2000 calendar year if the subdivision filed with the retirement system not later than December 31, 2000, a sworn affidavit stating that:

(1) the report and contributions required under Section 845.407, Government Code, were mailed at least 10 days before the date the report and contributions were due; and

(2) the United States Postal Service did not return the report and contributions to the subdivision.

Amendment No. 1 was adopted without objection.

SB 523, as amended, was passed to third reading.

CSSB 247 ON SECOND READING
(Haggerty and Capelo - House Sponsors)

CSSB 247, A bill to be entitled An Act relating to the confidentiality of information held by governmental bodies that identifies certain personal information about peace officers, county jailers, and employees of the Texas Department of Criminal Justice.

Amendment No. 1

Representative Haggerty offered the following amendment to **CSSB 247**:

Amend **CSSB 247** as follows:

(1) On page 2, line 3, strike "or" and substitute "[or]".

(2) On page 2, line 9, strike the period and substitute the following:

": or

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable."

(3) On page 2, line 14, between "JAILERS," and "AND EMPLOYEES," insert "SECURITY OFFICERS,"

(4) On page 2, line 19, strike "and".

(5) On page 2, line 21, strike the period and substitute the following:

": and

(4) commissioned security officers as defined by Section 1702.002, Occupations Code."

(6) On page 3, line 18, strike "and".

(7) On page 3, line 20, strike the period and substitute the following:
": and

(4) commissioned security officers as defined by Section 1702.002, Occupations Code."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Haggerty offered the following amendment to **CSSB 247**:

Amend **CSSB 247**, by adding a new SECTION to the bill, appropriately numbered, to read as follows, and renumbering subsequent SECTIONS accordingly:

SECTION __. Chapter 25, Tax Code, is amended by adding Section 25.026 to read as follows:

Sec. 25.026. CONFIDENTIALITY OF VIOLENCE SHELTER CENTER AND SEXUAL ASSAULT PROGRAM ADDRESS INFORMATION. (a) In this section:

(1) "Family violence shelter center" has the meaning assigned by Section 51.002, Human Resources Code.

(2) "Sexual assault program" has the meaning assigned by Section 420.003, Government Code.

(b) Information in appraisal records under Section 25.02 is confidential and is available only for the official use of the appraisal district, this state, the comptroller, and taxing units and political subdivisions of this state if the information identifies the address of a family violence shelter center or a sexual assault program.

(Speaker pro tempore in the chair)

Amendment No. 2 was adopted without objection.

CSSB 247, as amended, was passed to third reading.

SB 405 ON SECOND READING (Goolsby - House Sponsor)

SB 405, A bill to be entitled An Act relating to the regulation of professional geoscientists; providing penalties.

SB 405 was passed to third reading.

SB 1166 ON SECOND READING (Capelo, Coleman, and Farabee - House Sponsors)

SB 1166, A bill to be entitled An Act relating to the authority of certain advanced practice nurses and physician assistants to prescribe drugs.

SB 1166 was passed to third reading.

SB 648 ON SECOND READING (Counts - House Sponsor)

SB 648, A bill to be entitled An Act relating to the authority of the Automobile Theft Prevention Authority to establish advisory committees.

SB 648 was passed to third reading.

CSSB 607 ON SECOND READING
(McClendon - House Sponsor)

CSSB 607, A bill to be entitled An Act relating to the creation of a municipal development corporation to provide educational and job training; authorizing the imposition of certain local taxes; providing an administrative penalty.

CSSB 607 was passed to third reading.

MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING

The following bill was laid before the house and read third time:

HB 2600 ON THIRD READING
(by Brimer, Junell, Janek, Eiland, Dukes, et al.)

HB 2600, A bill to be entitled An Act relating to the provision of workers' compensation benefits and to the operation of the workers' compensation insurance system; providing penalties.

A record vote was requested.

HB 2600 was passed by (Record 202): 146 Yeas, 1 Nay, 2 Present, not voting.

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

Nay — Garcia.

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

Absent — Smith.

STATEMENT OF VOTE

When Record No. 202 was taken, I was in the house but away from my desk. I would have voted yes.

Smith

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

The following bill was laid before the house and read second time:

**HB 3451 ON SECOND READING
(by Gallego)**

HB 3451, A bill to be entitled An Act relating to the continuation and functions of the Texas State Affordable Housing Corporation.

Amendment No. 1

Representative Carter offered the following amendment to **HB 3451**:

Amend **HB 3451** by adding the following appropriately numbered SECTION and by renumbering existing SECTIONS accordingly:

SECTION __. (a) Subchapter y, Chapter 2306, Government Code, is amended by adding Sections 2306.5551 and 2306.5552 to read as follows:

Sec. 2306.5551. BOARD DELEGATION OF AUTHORITY TO ISSUE BONDS OR OTHER OBLIGATIONS. (a) The board of directors of the corporation may delegate to a member of the board or to an employee of the corporation the authority to enter into a contract to issue bonds or other obligations for the corporation.

(b) The person to whom contract authority is delegated under this section shall report to the board as frequently as considered necessary by the board all of the person's activities relating to the issuance of bonds or other obligations.

Sec. 2306.5552. TECHNICAL AND FINANCIAL ASSISTANCE PROVIDED TO NONPROFIT ORGANIZATIONS. The corporation shall supplement the technical and financial capacity of other appropriate nonprofit organizations to provide for the multifamily and single-family housing needs of individuals and families of low, very low, and extremely low income.

Amendment No. 1 was adopted without objection.

HB 3451, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 196 ON THIRD READING
(by A. Reyna)**

HB 196, A bill to be entitled An Act relating to the adoption of standards for the practice of air conditioning and refrigeration contracting.

HB 196 was passed.

**HB 217 ON THIRD READING
(by A. Reyna)**

HB 217, A bill to be entitled An Act relating to the regulation of plumbing.

HB 217 was passed.

HB 2159 ON THIRD READING
(by Thompson, J. Moreno, et al.)

HB 2159, A bill to be entitled An Act relating to premium rates and minimum reserves for credit life and accident and health insurance.

HB 2159 was passed.

HB 3587 ON THIRD READING
(by Walker)

HB 3587, A bill to be entitled An Act relating to the exemption from permitting requirements for certain wells in a groundwater conservation district.

HB 3587 was passed.

HB 363 ON THIRD READING
(by Gallego, Capelo, B. Turner, Keel, P. King, et al.)

HB 363, A bill to be entitled An Act relating to the issuance of a written notice to appear for certain misdemeanor offenses punishable by fine only.

A record vote was requested.

HB 363 was passed by (Record 203): 134 Yeas, 9 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Christian; Clark; Coleman; Cook; Counts; Craddick; Crownover; Danburg; Davis, Y.; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Kruse; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Crabb; Davis, J.; Delisi; Gray; Heflin; Hill; Mowery; Smithee; Williams.

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

Absent — Chisum; Corte; Martinez Fischer; Naishtat; Wilson.

STATEMENTS OF VOTE

When Record No. 203 was taken, my vote failed to register. I would have voted no.

Corte

I was shown voting yes on Record No. 203. I intended to vote no.

Driver

I was shown voting yes on Record No. 203. I intended to vote no.

E. Reyna

I was shown voting yes on Record No. 203. I intended to vote no.

Talton

HB 1862 ON THIRD READING

(by Eiland, Janek, G. Lewis, E. Jones, Smithee, et al.)

HB 1862, A bill to be entitled An Act relating to the regulation and prompt payment of health care providers under certain health benefit plans.

Amendment No. 1

Representative Eiland offered the following amendment to **HB 1862**:

Amend **HB 1862**, second reading engrossment, as follows:

(1) On page 3, line 25, between "confirmation." and "If", insert "The physician's or provider's clearinghouse must be able to verify that the filing contained the correct address of the entity to receive the filing.".

(2) On page 4, line 2, after the period, insert "The commissioner shall promulgate a form to be submitted by the physician or provider that easily identifies all claims included in each filing and that can be used by a physician or provider as the physician's or provider's log.".

(3) On page 6, strike lines 4 and 5 and substitute the following:
day after the receipt of a claim or 45 days after receipt of a completed attachment from the physician or provider, whichever is later [~~later of the date that~~]:

(4) On page 6, line 21, between "receives the" and "attachment", insert "completed".

(5) On page 8, line 3, strike "(c)" and substitute "(e) [~~(c)~~]".

(6) On page 8, line 7, strike "(c)" and substitute "(e) [~~(c)~~]".

(7) On page 15, line 22, strike "commissioner" and substitute "attorney general".

(8) On page 15, between lines 24 and 25, insert the following:

(c) Nothing in this section shall be interpreted to require an insurer to violate copyright or other law by disclosing proprietary software that the insurer has licensed. In addition to the above, the insurer shall, on request of a physician or provider, provide the name, edition, and model version of the software that the insurer uses to determine bundling and unbundling of claims.

(9) On page 25, line 5, strike "(c)" and substitute "(e) [~~(c)~~]".

(10) On page 25, line 8, strike "(c)" and substitute "(e) [~~(c)~~]".

Amendment No. 1 was adopted without objection.

MESSAGE FROM THE SENATE

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

HB 1862 - (consideration continued)

Amendment No. 2

Representative Eiland offered the following amendment to **HB 1862**:

Amend SECTION 3 of **HB 1862** on third reading, Article 3.70-3C, Section 10, by striking Subsection (2)(A) and by substituting new Subsection (2)(A) to read as follows:

(A) care related to an emergency or its attendant episode of care as required by state or federal law.

Amend SECTION 6, The Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code), Section 18I, by striking Subsection (2)(A) and substituting new Subsection (2)(A) to read as follows:

(A) care related to an emergency or its attendant episode of care as required by state or federal law.

Amendment No. 2 was adopted without objection.

HB 1862, as amended, was passed. (Shields recorded voting yes)

HB 1254 ON THIRD READING
(by West)

HB 1254, A bill to be entitled An Act relating to the extension of uniform group benefits for political subdivisions to certain affiliated service contractors.

HB 1254 was passed.

HB 2972 ON THIRD READING
(by Talton, Edwards, and Bailey)

HB 2972, A bill to be entitled An Act relating to local control of police officer employment matters by certain municipalities.

HB 2972 was passed.

HB 1445 ON THIRD READING
(by B. Turner)

HB 1445, A bill to be entitled An Act relating to the authority of municipalities and counties to regulate subdivisions in the extraterritorial jurisdiction of a municipality.

HB 1445 was passed.

HB 2530 ON THIRD READING
(by Junell, et al.)

HB 2530, A bill to be entitled An Act relating to certain prohibitions applicable to a person offering a sweepstakes; providing a civil penalty.

A record vote was requested.

HB 2530 was passed by (Record 204): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf;

Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent — Capelo; Corte; Edwards; Telford; Wilson.

STATEMENT OF VOTE

When Record No. 204 was taken, my vote failed to register. I would have voted yes.

Capelo

HB 3121 ON THIRD READING (by Ritter)

HB 3121, A bill to be entitled An Act relating to the exemption from ad valorem taxation for property used to control pollution.

HB 3121 was passed.

HB 2179 ON THIRD READING (by Hochberg, Crabb, and Clark)

HB 2179, A bill to be entitled An Act relating to indemnification by the state of a chaplain or spiritual advisor under contract with certain state agencies.

A record vote was requested.

HB 2179 was passed by (Record 205): 146 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.;

Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent — Alexander; Tillery.

HB 3309 ON THIRD READING
(by Hochberg)

HB 3309, A bill to be entitled An Act relating to the development, funding, and operation of the Southeast Texas Biotechnology Park.

A record vote was requested.

HB 3309 was passed by (Record 206): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Jones, E.; Telford.

HB 1762 ON THIRD READING
(by Green)

HB 1762, A bill to be entitled An Act relating to the issuance of certain driver's licenses by the Department of Public Safety and the provision of driver record information by the department and to fees and charges collected by the department.

Amendment No. 1

Representative Green offered the following amendment to **HB 1762**:

Amend **HB 1762**, on third reading, in SECTION 2 of the bill by adding in added Subsection (d), Section 521.146, between "license" and "under this section" the phrase "or identification certificate".

Amendment No. 1 was adopted without objection.

HB 1762, as amended, was passed.

HB 3054 ON THIRD READING
(by Rangel)

HB 3054, A bill to be entitled An Act relating to student financial aid to supplement a TEXAS grant for a student of an institution of higher education.

A record vote was requested.

HB 3054 was passed by (Record 207): 145 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Howard; Shields; Wohlgemuth.

HB 1493 ON THIRD READING
(by Wise, et al.)

HB 1493, A bill to be entitled An Act relating to the regulation of mortgage brokers.

HB 1493 was passed.

HB 2586 ON THIRD READING
(by Swinford)

HB 2586, A bill to be entitled An Act relating to the regulation of public grain warehouse operators and other public warehouse operators; providing penalties.

HB 2586 was passed.

HB 2604 ON THIRD READING**(by McReynolds, Swinford, Cook, B. Turner, Clark, et al.)**

HB 2604, A bill to be entitled An Act relating to assistance to certain volunteer fire departments and to the imposition of an assessment on certain insurers to finance that assistance.

HB 2604 was passed.

HB 1001 ON THIRD READING**(by Naishtat, Wohlgemuth, et al.)**

HB 1001, A bill to be entitled An Act relating to the review of the reimbursement methodology for and resource needs of nursing facilities.

HB 1001 was passed.

HB 2991 ON THIRD READING**(by Gutierrez)**

HB 2991, A bill to be entitled An Act relating to the duty of a peace officer to prevent certain juveniles from crossing the border between this state and Mexico.

HB 2991 was passed.

HB 1448 ON THIRD READING**(by Oliveira)**

HB 1448, A bill to be entitled An Act relating to authorizing the governing body of a municipality or a county to enter into a tax abatement agreement with the owner of a leasehold interest in tax-exempt real property that is located in a reinvestment zone.

A record vote was requested.

HB 1448 was passed by (Record 208): 146 Yeas, 0 Nays, 2 Present, not voting.

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

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

Absent — Craddick; Flores.

HB 514 ON THIRD READING
(by Hinojosa, Keel, Chavez, Haggerty, Najera, et al.)

HB 514, A bill to be entitled An Act relating to a defense to certain gambling-related offenses for gaming activity conducted by an Indian tribe.

A record vote was requested.

HB 514 was passed by (Record 209): 83 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Danburg; Davis, Y.; Denny; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Flores; Gallego; Garcia; George; Giddings; Glaze; Goolsby; Green; Gutierrez; Haggerty; Hamric; Hawley; Hilbert; Hinojosa; Hochberg; Hodge; Homer; Hunter; Hupp; Janek; Jones, D.; Jones, E.; Jones, J.; Keel; King, T.; Kitchen; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McClendon; Menendez; Merritt; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Rangel; Raymond; Reyna, A.; Sadler; Salinas; Solis; Solomons; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough; Zbraneck.

Nays — Allen; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Davis, J.; Delisi; Driver; Ellis; Farabee; Geren; Goodman; Gray; Grusendorf; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hope; Hopson; Howard; Isett; Junell; Keffer; King, P.; Kolkhorst; Krusee; Marchant; McCall; McReynolds; Miller; Morrison; Mowery; Nixon; Pitts; Ramsay; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Swinford; Talton; Walker; West; Williams; Wohlgemuth; Woolley.

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

Absent — Averitt; Puente; Truitt.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 209. I intended to vote no.

Bosse

I was shown voting yes on Record No. 209. I intended to vote no.

Hamric

I was shown voting yes on Record No. 209. I intended to vote no.

Telford

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

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

HB 691 ON SECOND READING
(by Thompson)

HB 691, A bill to be entitled An Act relating to income withholding for spousal maintenance; providing a penalty.

Amendment No. 1

Representative Thompson offered the following amendment to **HB 691**:

Amend **HB 691** as follows:

(1) Strike page 9, line 26, through page 10, line 4, and substitute the following:

(c) An order or writ of withholding for spousal maintenance may be combined with an order or writ of withholding for child support only if the obligee has been appointed managing conservator of the child for whom the child support is owed and is the conservator with whom the child primarily resides.

(d) An order or writ of withholding that combines withholding for spousal maintenance and child support must:

(1) require that the withheld amounts be paid to the appropriate place of payment under Section 154.004;

(2) be in the form prescribed by the Title IV-D agency under Section 158.106;

(3) clearly indicate the amounts withheld that are to be applied to current spousal maintenance and to any maintenance arrearages; and

(4) subject to the maximum withholding allowed under Section 8.106, order that withheld income be applied in the following order of priority:

(A) current child support;

(B) current spousal maintenance;

(C) child support arrearages; and

(D) spousal maintenance arrearages.

(2) On page 12, line 26, between "payments" and the semicolon, insert ", including the amount and duration of withholding for arrearages, if any".

(3) On page 13, between lines 4 and 5, insert the following:

(c) On request by an obligee, the court may exclude from an order of withholding the obligee's address and social security number if the obligee or a member of the obligee's family or household is a victim of family violence and is the subject of a protective order to which the obligor is also subject. On granting a request under this subsection, the court shall order the clerk to:

(1) strike the address and social security number required by Subsection (a) from the order or writ of withholding; and

(2) maintain a confidential record of the obligee's address and social security number to be used only by the court.

(4) Strike page 16, line 16, through page 17, line 2, and substitute the following:

(b) If the combined amounts to be withheld under multiple orders or writs for the same obligor exceed the maximum total amount of allowed income withholding under Section 8.106, the employer shall pay, until that maximum is reached, in the following order of priority:

(1) an equal amount toward current child support owed by the obligor in each order or writ until the employer has complied fully with each current child support obligation;

(2) an equal amount toward current maintenance owed by the obligor in each order or writ until the employer has complied fully with each current maintenance obligation;

(3) an equal amount toward child support arrearages owed by the obligor in each order or writ until the employer has complied fully with each order or writ for child support arrearages; and

(4) an equal amount toward maintenance arrearages owed by the obligor in each order or writ until the employer has complied fully with each order or writ for spousal maintenance arrearages.

(5) On page 17, between lines 13 and 14, insert the following:

(d) In addition to liability imposed under Subsection (c), the court shall order with respect to an employee whose employment was suspended or terminated in violation of this section appropriate injunctive relief, including reinstatement of:

(1) the employee's position with the employer; and

(2) fringe benefits or seniority lost as a result of the suspension or termination.

(6) On page 17, line 14, strike "(d)" and substitute "(e)".

(7) On page 23, after the period on line 8, insert "The clerk shall charge a fee in the amount of \$15 for issuing the writ of withholding."

(8) On page 24, line 20, strike "The" and substitute "Except as provided by an order under Section 8.152, the".

(9) On page 26, strike lines 6 and 7 and substitute the following:

(c) The clerk may charge a fee in the amount of \$15 for issuing and delivering the modified writ of withholding or notice of termination.

(10) On page 26, between lines 12 and 13, insert the following:

Sec. 8.303. TERMINATION OF WITHHOLDING IN MANDATORY WITHHOLDING CASES. (a) An obligor for whom withholding for maintenance owed or withholding for maintenance and child support owed is mandatory may file a motion to terminate withholding. On a showing by the obligor that the obligor has complied fully with the terms of the maintenance or child support order, as applicable, the court shall render an order for the issuance and delivery to the obligor of a notice of termination of withholding.

(b) The clerk shall issue and deliver the notice of termination ordered under this section to the obligor.

(c) The clerk may charge a fee in the amount of \$15 for issuing and delivering the notice.

(11) On page 26, line 13, strike "Sec. 8.303." and substitute "Sec. 8.304."

(12) On page 26, line 17, strike "Sec. 8.304." and substitute "Sec. 8.305."

(13) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. Section 158.207, Family Code, is amended by adding Subsection (c) to read as follows:

(c) An obligor who receives more than one order or writ of withholding that combines withholding for child support and spousal maintenance as

provided by Section 8.101 shall withhold income and pay the amount withheld in accordance with Section 8.207.

Amendment No. 1 was adopted without objection.

HB 691, as amended, was passed to engrossment.

CSHB 740 ON SECOND READING
(by Dutton)

CSHB 740, A bill to be entitled An Act relating to summary judgments issued by a court.

A record vote was requested.

The vote of the house was taken on passage to engrossment of **CSHB 740** and the vote was announced yeas 70, nays 75.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 210): 69 Yeas, 73 Nays, 3 Present, not voting.

Yeas — Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Gutierrez; Haggerty; Hawley; Hinojosa; Hochberg; Hodge; Hopson; Jones, J.; Kitchen; Lewis, G.; Lewis, R.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Shields; Solis; Thompson; Tillery; Turner, S.; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough; Zbrank.

Nays — Alexander; Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; Ellis; George; Geren; Goolsby; Green; Grusendorf; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Homer; Hope; Howard; Hunter; Isett; Janek; Jones, D.; Jones, E.; Junell; Keel; Keffer; King, P.; King, T.; Kolkhorst; Kuempel; Madden; Marchant; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Pitts; Ramsay; Reyna, E.; Seaman; Smith; Smithee; Solomons; Talton; Truitt; Turner, B.; Walker; West; Williams; Wohlgemuth; Woolley.

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

Absent — Goodman; Hilbert; Hupp; Krusee; Telford.

The chair stated that **CSHB 740** failed to pass to engrossment by the above vote. (The vote by which **CSHB 740** failed to pass to engrossment was reconsidered, and the bill was passed to engrossment on April 26.)

STATEMENTS OF VOTE

I was shown voting no on Record No. 210. I intended to vote yes.

Ellis

When Record No. 210 was taken, I was temporarily out of the house chamber. I would have voted no.

Hupp

When Record No. 210 was taken, I was in the house but away from my desk. I would have voted no.

Krusee

CSHB 1077 ON SECOND READING
(by Haggerty)

CSHB 1077, A bill to be entitled An Act relating to the registration of locksmiths; providing administrative penalties.

CSHB 1077 was passed to engrossment. (Denny recorded voting no)

CSHB 1094 ON SECOND READING
(by Gray, Flores, et al.)

CSHB 1094, A bill to be entitled An Act relating to the creation of a state prescription drug program for certain Medicare beneficiaries.

Amendment No. 1

Representative Wohlgemuth offered the following amendment to **CSHB 1094**:

Amend **CSHB 1094** as follows:

In SECTION 1 of the bill, in proposed Section 531.301, Government Code (House Committee Report, page 2, lines 5-7), strike Subsection (c) and insert the following:

(c) Prescription drugs under the state program may be funded only if funds are available under federal law to fund the program.

Representative Gray moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 211): 80 Yeas, 63 Nays, 2 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Brown, F.; Burnam; Capelo; Carter; Chavez; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Glaze; Gray; Gutierrez; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, J.; Junell; King, T.; Kitchen; Lewis, G.; Lewis, R.; Longoria; Luna; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Smith; Solis; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Callegari; Chisum; Christian; Clark; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Geren; Goodman; Goolsby; Green; Grusendorf;

Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hill; Hope; Howard; Isett; Janek; Jones, E.; Keel; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Madden; Marchant; Merritt; Miller; Morrison; Mowery; Nixon; Pitts; Reyna, E.; Seaman; Shields; Smithee; Solomons; Swinford; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

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

Absent — Hilbert; Hilderbran; Hupp; Jones, D.; Telford.

STATEMENTS OF VOTE

When Record No. 211 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hilderbran

When Record No. 211 was taken, I was temporarily out of the house chamber. I would have voted no.

Hupp

Amendment No. 2

Representative Wohlgemuth offered the following amendment to **CSHB 1094**:

Amend **CSHB 1094** as follows:

In SECTION 1 of the bill, in proposed Section 531.304, Government Code (House Committee Report, page 3, line 3), between "commission" and "shall", insert "shall limit the number of enrollees based on available funding and".

Amendment No. 2 was adopted without objection.

CSHB 1094, as amended, was passed to engrossment. (Delisi, Denny, Howard, and Woolley recorded voting no)

CSHB 3524 ON SECOND READING (by Hochberg)

CSHB 3524, A bill to be entitled An Act relating to authorizing The University of Texas at Austin to establish a flat rate tuition pilot project for certain undergraduate students.

CSHB 3524 was passed to engrossment.

CSHB 1541 ON SECOND READING (by Luna)

CSHB 1541, A bill to be entitled An Act relating to the satisfaction of a condition of community supervision requiring performance of community service.

CSHB 1541 was passed to engrossment.

CSHB 557 ON SECOND READING (by Dukes, Ehrhardt, Solis, and Wohlgemuth)

CSHB 557, A bill to be entitled An Act relating to regulating leasing in certain manufactured home communities; providing penalties.

Amendment No. 1

Representative Dukes offered the following amendment to **CSHB 557**:

Amend **CSHB 557** as follows:

(1) On page 16, between lines 3 and 4, insert the following:

(c) Subsection (a) does not apply to a real estate mortgage lienholder who acquires title by foreclosure.

(2) On page 18, line 4, between "subdivision" and the semicolon, insert ", including a municipality".

(3) On page 19, between lines 24 and 25, insert a new Section 94.155 to read as follows:

Sec. 94.155. CASUALTY LOSS. (a) If a condition results from an insured casualty loss, such as fire, smoke, hail, explosion, or a similar cause, the period for repair does not begin until the landlord receives the insurance proceeds.

(b) If after a casualty loss the leased premises are as a practical matter totally unusable for the purposes for which the premises were leased and if the casualty loss is not caused by the negligence or fault of the tenant, a member of the tenant's family, or a guest or invitee of the tenant, either the landlord or the tenant may terminate the lease by giving written notice to the other any time before repairs are completed. If the lease is terminated, the tenant is entitled only to a pro rata refund of rent from the date the tenant moves out and to a refund of any security deposit otherwise required by law.

(c) If after a casualty loss the leased premises are partially unusable for the purposes for which the premises were leased and if the casualty loss is not caused by the negligence or fault of the tenant, a member of the tenant's family, or a guest or invitee of the tenant, the tenant is entitled to reduction in the rent in an amount proportionate to the extent the premises are unusable because of the casualty, but only on judgment of a county or district court. A landlord and tenant may agree otherwise in a written lease.

(4) On page 19, line 25, strike "94.155" and substitute "94.156".

(5) On page 21, line 14, strike "94.156" and substitute "94.157".

(6) On page 21, line 17, strike "94.156" and substitute "94.157".

(7) On page 21, line 19, strike "94.158" and substitute "94.159".

(8) On page 22, line 2, strike "94.156" and substitute "94.157".

(9) On page 22, line 3, strike "94.158" and substitute "94.159".

(10) On page 22, line 4, strike "94.156" and substitute "94.157".

(11) On page 22, line 5, strike "94.155" and substitute "94.156".

(12) On page 22, line 27 through page 23, line 1, strike "and the duty has not been waived by the tenant in a written lease agreement".

(13) On page 25, line 21, strike "94.157" and substitute "94.158".

(14) On page 25, line 22, strike "94.156" and substitute "94.157".

(15) On page 27, line 11, strike "94.158" and substitute "94.159".

(16) On page 27, line 12, strike "94.158" and substitute "94.159".

(17) On page 27, line 15, strike "94.155" and substitute "94.156".

(18) On page 27, line 25, strike "94.156" and substitute "94.157".

(19) On page 28, line 14, strike "94.158" and substitute "94.159".

(20) On page 28, line 17, strike "94.155" and substitute "94.156".

(21) On page 28, line 27, strike "94.158" and substitute "94.159".

- (22) On page 29, line 1, strike "94.155" and substitute "94.156".
- (23) On page 29, line 25, strike "94.156" and substitute "94.157".
- (24) On page 30, line 3, strike "94.159" and substitute "94.160".
- (25) On page 30, line 21, strike "94.160" and substitute "94.161".
- (26) On page 30, line 25, strike "94.161" and substitute "94.162".
- (27) On page 31, line 11, strike "94.162" and substitute "94.163".
- (28) On page 32, strike lines 21-25, and substitute the following:

(e) The court shall notify a tenant in writing of a default judgment for possession by sending a copy of the judgment to the leased premises by first class mail not later than 48 hours after the entry of the judgment. In addition, the court shall send a copy of the judgment to the owner of the manufactured home if the tenant is not the owner and to any person who holds a lien on the manufactured home if the court has been notified in writing of the name and address of the owner and lienholder.

(29) On page 35, lines 12-14, strike "unless the decrease in services is part of a pattern of service reductions in the entire manufactured home community".

(30) On page 35, lines 15-16, strike ", except as part of a community-wide rent increase".

(31) On page 36, line 10, strike "94.158" and substitute "94.159".

(32) On page 36, line 19, between "rent" and "when" insert "or other amounts due under the lease that in the aggregate equal the amount of at least one month's rent".

(33) On page 38, line 23, between "this chapter" and "may" insert ", excluding an action that would be permitted under Chapter 24,".

(34) On page 39, line 16, strike "Section 94.301" and substitute "this subchapter".

Amendment No. 1 was adopted without objection.

CSHB 557, as amended, was passed to engrossment.

CSHB 176 ON SECOND READING (by Luna)

CSHB 176, A bill to be entitled An Act relating to the use of certain communication equipment in certain civil pretrial and trial proceedings.

Amendment No. 1

Representative Hope offered the following amendment to **CSHB 176**:

Amend **CSHB 176** as follows:

- (1) On page 1, line 9, strike ", a deposition,".
- (2) On page 1, line 22, strike "Subject to Subsection (g), a" and substitute "A".
- (3) On page 2, strike lines 10-16.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Ellis offered the following amendment to **CSHB 176**:

Amend **CSHB 176** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION __. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.073 to read as follows:

Art. 38.073. TESTIMONY OF INMATE WITNESSES. In a proceeding in the prosecution of a criminal offense in which an inmate in the custody of the Texas Department of Criminal Justice is required to testify as a witness, any deposition or testimony of the inmate witness may be conducted by electronic means, in the same manner as permitted in civil cases under Section 30.012, Civil Practice and Remedies Code.

Amendment No. 2 was adopted without objection.

CSHB 176, as amended, was passed to engrossment.

CSHB 259 ON SECOND READING
(by G. Lewis and Chavez)

CSHB 259, A bill to be entitled An Act relating to equal access to places of public accommodation.

Amendment No. 1

Representative G. Lewis offered the following amendment to **CSHB 259**:

Amend **CSHB 259** as follows:

- (1) On page 1, strike lines 15-20 and substitute the following:
solely:
- (1) because of the race, creed, sex, religion, or national origin of the individual; or
 - (2) because the individual:
 - (A) operates a motorcycle;
 - (B) is a member of an organization or association that operates motorcycles; or
 - (C) wears clothing that displays the name of an organization or association.
 - (2) On page 3, between lines 3 and 4, insert the following:
Sec. 91.005. REMEDIES CUMULATIVE. The remedies established under this chapter are cumulative of any other rights or remedies established by law.

Amendment No. 1 was adopted without objection.

CSHB 259, as amended, was passed to engrossment.

HB 471 ON SECOND READING
(by Averitt, Kitchen, et al.)

HB 471, A bill to be entitled An Act relating to insurance agent commissions paid by small employer carriers.

HB 471 was passed to engrossment.

CSHB 1692 ON SECOND READING
(by Chisum, Laney, Counts, Walker, Swinford, et al.)

CSHB 1692, A bill to be entitled An Act relating to customer protections applicable to certain electric utilities.

Amendment No. 1

Representative Williams offered the following amendment to **CSHB 1692**:

Amend **CSHB 1692** on page 1 by striking lines 9-11 and substituting "[having fewer than six synchronous interconnections with voltage levels above 69 kilovolts systemwide on the effective date of this subchapter]. The legislature finds [This subchapter recognizes]".

Representative Chisum raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 3 of the House Rules on the grounds that the amendment would change the original purpose of the bill.

The point of order was withdrawn.

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).

CSHB 1692 - (consideration continued)

Representative Wolens raised a point of order against further consideration of Amendment No. 1 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill.

The chair sustained the point of order.

The ruling precluded further consideration of the amendment.

CSHB 1692 - DEBATE

REPRESENTATIVE CHISUM: Mr. Speaker, members, this just stops the deregulation in the Texas Panhandle that is identified as Southwestern Public Service area until the year 2007. It's acceptable to the author. I move passage.

REPRESENTATIVE WILLIAMS: Mr. Speaker?

SPEAKER PRO TEMPORE: Mr. Williams, for what purpose?

WILLIAMS: Will the gentleman yield?

CHISUM: I yield.

SPEAKER PRO TEMPORE: The gentleman yields.

WILLIAMS: Mr. Chisum, could you explain a little more to us what we're doing with this bill and why we're excluding the other non-ERCOT areas in the state from the benefit of the protections that the panhandle is getting here?

CHISUM: Yes, I can. The Texas Panhandle in **SB 7** was recognized to be a specific area because we had a sole producer of electricity up there who was extremely low cost. We had somewhat of a lack of any mechanism to bring additional generators up there. We always knew that our area, which is basically the Texas Panhandle, even though SPS serves other customers in New Mexico, Kansas, and Oklahoma, but the Texas Panhandle was a core of their business where most of their electricity was generated. It was significantly different than ERCOT or any other area of the State of Texas in that it had a very low cost, and if you're going to deregulate that and have a significant

competitive market, there was going to have to be a lot of changes. We have since recognized that we must build some transmission in that area or it will not work. That's basically what we're going to do; postpone deregulation there until 2007 until such time as we can make some of those significant adjustments so that we can have a competitive market.

WILLIAMS: Well I think, Mr. Chisum, those are all good reasons, but there are other non-ERCOT areas in the state that don't have enough transmission lines in their area to get power. You know, in the last two summers they've come knocking on the door of my office to say, we're turning your electricity off because we can't get enough electricity into your area. So we've had rolling blackouts in parts of East Texas that I represent and where I live and work and I just wonder why. Is there any specific reason that some of the rest of us couldn't benefit by these good protections that you have in your bill?

CHISUM: This pertains only to Section 39(i), it was specifically put into **SB 7**.

WILLIAMS: You've got a special section in **SB 7** for the panhandle?

CHISUM: That's correct. I'm not sure that you had a specific place in **SB 7** for your area. If you do, you should probably amend that.

WILLIAMS: Yeah, we don't have one. We missed out on that opportunity, I guess, and we'll just have to have the lights turned off in our area. So, I've got an amendment.

REPRESENTATIVE CHRISTIAN: Mr. Speaker, will the gentleman yield?

SPEAKER PRO TEMPORE: Do you yield, Mr. Chisum?

CHISUM: I yield, Mr. Speaker.

CHRISTIAN: Mr. Chisum, I just want to understand correctly. This bill protects the panhandle rather than the non-ERCOT, or whatever it is, those living in my area are not, do not have the protection available to them, and would not have under this?

CHISUM: This only applies to those areas described in Subsection i, Section 39 of **SB 7**. And that only applies to the Texas Panhandle, that's correct.

CHRISTIAN: Okay, why are my people not needing this particular type of protection in this particular, and why are they not needing this type of protection?

CHISUM: Well, we haven't reached deregulation in your area and I have no idea whether they need additional protection or not. They do have protection in **SB 7** that they'll have a competitive market, so I think they are protected in there, and you have available generation that is not just locked in like the Texas Panhandle where we had all the generators, and they were virtually generating all of the electric power for New Mexico, Oklahoma, and Kansas. And then we were going to be faced with a deal that we're going to have to sell 80 percent of that. That's what triggered this movement on my part and the members of that deregulation up there to put a stop to that because of some federal energy commission filings that virtually had said that their intent was

to sell off that generation which would have left us virtually without generation in the Texas Panhandle. We could have been faced with the same situation perhaps that they have in California, because we could have been shipping electric power out that may have went to California. And likewise, a very significant part of our market comes out of New Mexico and this bill virtually tracks the same thing that happened in New Mexico because they're part of this service and so we put our area on virtually the same time schedule that the State of New Mexico has put on theirs.

CHRISTIAN: Well of course in representing there are just very few of our areas here that are in the non-ERCOT area and East Texas being one of them, the panhandle, etc. There are some outlying areas that didn't get covered in that big part of the state. My concern is that you're telling me that you don't see the risk for me to be concerned for my constituents?

CHISUM: You should be concerned.

CHRISTIAN: Okay.

CHISUM: I don't mind you're being concerned for your constituents, I am just saying that that does not fit into this area because this was set up specifically for the Southwestern Public Service area.

CHRISTIAN: You mean that your legislation was written for that specific area or. . .

CHISUM: That's correct.

CHRISTIAN: Okay, would it be inappropriate to add my area as protected, or all non-ERCOT areas being under this same protection?

CHISUM: I don't know whether it would be inappropriate, it would not be germane to this bill.

CHRISTIAN: Why was this bill designed to, I mean, was it intentionally to limit the protection and availability of this protection, that you're telling us that it is good for the citizens in your area of the state, that you designed the bill so that it could not take advantage of that same protection for our citizens?

CHISUM: This was the only section of **SB 7** that was required to be amended that fixed our problem up there. It was not designed against any other part of the state or for any other part of the state. It just satisfies the needs we had, that we saw that we needed in the Texas Panhandle. The generators agreed with it. There's been very few people who disagree with the facts that faced us, that this is legitimate protection for the people that are up there. We are excited about going into deregulation. This is not an issue that we are not excited about the opportunity to choose our electric supplier. It's just that we're saying that because of our significant area up there we have a tremendous amount of generation. Because we are faced with one of our major consumers of that generation, the State of New Mexico, we needed to bring ourselves into compliance with them so that we could address it again in 2007. If, in fact, in 2007 these problems are fixed, then we have transmission lines to bring in electric generating power from the State of Louisiana or any place that's in the Southwest Power Pool. I suspect that we'll move to a competitive market very quickly. That's my plan.

CHRISTIAN: Okay. I appreciate you're doing that for your people. I respect that. I am just concerned that my people may need that same protection.

CHISUM: And they very well may be, this public utility commission is under sunset, I believe, in 2003, 2005. I can assure you that, if the facts warranted, I think you'll see this house very excited about doing something that fixes your problem if the problems exist out there in 2005.

CHRISTIAN: Thank you very much, Mr. Chairman.

REPRESENTATIVE S. TURNER: Mr. Speaker?

SPEAKER PRO TEMPORE: For what purpose, Mr. Turner?

S. TURNER: Will Chairman Chisum yield for a second?

CHISUM: I yield.

SPEAKER PRO TEMPORE: The gentleman yields.

S. TURNER: Warren, just a couple of questions. Not speaking in opposition or raising questions in opposition to the bill. Do you know whether or not, and I asked you earlier, whether or not by the passage of this bill that this will pull SPS out of the system benefit fund?

CHISUM: I do not know that answer about the system benefit fund. I'd be happy to ask the gentleman on my right who participated occasionally in our negotiations. He may have the answer to that question. And he's been raising his head up and down like a cork, and I am assuming unless he's trying to shake something off that we're still in it.

S. TURNER: That you are still in the system benefit fund?

CHISUM: His heads going the other way, like the little dog on your dash.

S. TURNER: That SPS is not in the system. And is it your intent to remove SPS out of the system benefit fund?

CHISUM: It is my intent to move SPS back to a regulated generator of electricity for the time being until 2007 when we can determine what we need to do in the Texas Panhandle area. I could look at the specifics in our place, but Mr. Isett took my bill and went wandering off with it. Mr. Isett is back with the bill, so if you have a question about a specific page. . . . I move passage.

Amendment No. 1 was laid out and read.

WILLIAMS: This amendment is very simple, it does one thing, it treats all of the non-ERCOT areas in the state the same. It takes out the provision that would make this apply only to the panhandle. We have a big area in the state that is a non-ERCOT area, that's in my district, that's in Mr. Christian's district, Mr. Ritter, Mr. Deshotel, and some of the rest of us and we would like the same protection that the non-ERCOT areas in the panhandle are getting and feel like that East Texas is just as deserving as the panhandle is for these protections. Move adoption.

SPEAKER PRO TEMPORE: Mr. Chisum in opposition.

CHISUM: Mr. Speaker, members, what Mr. Williams is trying to do is probably what he feels is best for his district and I understand that. He probably should have filed a bill that does that. This bill only pertains to the Texas Panhandle. We recognize the Texas Panhandle as being very unique when we did **SB 7**. We recognized that and put in a special section of the bill that virtually says that this only applies to the Texas Panhandle, because we realized that we were one of the low cost generators in the State of Texas. We realized that we had transmission constraints, we realized that things might be different up there, and might need to be done different up there. So that's why we put it in here. Now what my good friend, Tommy Williams, is trying to do is to change that and he's trying to substitute by striking the language on here that deals with some of the things that are specific to that area and putting in, the language says, "the legislature finds." Well, I am not sure that it is germane in its facts. What he's doing is striking the applicable part that makes this only applicable only to that region in the Texas Panhandle. So what he's trying to do is make this a statewide deal, that is not my intent of this bill. I think he changes the intent of this bill. If he's successful in doing that, I might call a point of order based on a very seldom used part of the house rules, but I think it would be sufficient if we just tabled this amendment, so after I answer some questions, I'll probably move to table.

SPEAKER PRO TEMPORE: Mr. Chisum, do you yield?

CHISUM: I yield.

CHRISTIAN: Chairman Chisum, again, I respect you taking care of your folks, my concern is just that I don't want to sit here and not allow mine to get the same protections that you've made us aware of. A danger coming forward, and I think Mr. Williams' amendments adds my area to this so I am certainly in favor of affording more protection to my home folks, so I wish that you would allow us to gain the same protection you're seeing as needed for your particular population. I can't understand why, if it's good for your folks, it wouldn't be good for mine to receive this same kind of protection.

WILLIAMS: Mr. Speaker, will the gentleman yield?

SPEAKER PRO TEMPORE: Mr. Chisum, do you yield?

CHISUM: I yield.

WILLIAMS: Mr. Chisum, I just wanted to clarify one thing about this amendment. You said that it would take the provisions of this bill and make it apply statewide, and that's not correct. We had, last session, an amendment to **SB 7** that would have applied these same protections statewide and you voted against that. I joined the century club on that amendment last session, but it was a good amendment. I think it would have protected folks from unnecessary rate increases. This would only apply to the non-ERCOT areas of the state, just like the panhandle, East Texas is on the edge of the state and we have some of the same problems that the panhandle does, and that's all we're trying to correct here. This would not apply to the entire state, only to the non-ERCOT areas of the state.

CHISUM: I understand that and since that was not a question, I don't have to answer that. But what this does is change the original intent of this bill, which was to keep this only in the Texas Panhandle, but by striking that language you make it apply to other non-ERCOT areas which was never the intent of this bill. I would raise a point of order against this amendment in that it violates Rule 11, Section 3, which changes the original intent.

SPEAKER PRO TEMPORE: Mr. Chisum withdraws his point of order. The chair recognizes Mr. Wolens.

REPRESENTATIVE WOLENS: Mr. Speaker, I raise a point of order against further consideration of this amendment in that it is not germane.

SPEAKER PRO TEMPORE: Mr. Wolens has raised a point of order under Rule 11, Section 2, that the Williams amendment is not germane. The point of order is well taken and sustained. Anybody wishing to speak for or against **CSHB 1692**?

S. TURNER: Mr. Speaker?

SPEAKER PRO TEMPORE: Mr. Turner, for what purpose?

S. TURNER: Would it be appropriate to at least ask that the comments between Representative Williams and Chairman Chisum be reduced to writing and placed in the record?

SPEAKER PRO TEMPORE: It would be hard to do. In one place we have an Aggie and the other is from the panhandle.

S. TURNER: Shall we pray that that's possible, in spite of their inadequacies?

SPEAKER PRO TEMPORE: We shall pray. The chair recognizes Mr. Williams on **CSHB 1692**.

WILLIAMS: Thank you Mr. Speaker, members. I appreciate the time and the diligence you have shown on this issue. I want to say that I don't oppose **CSHB 1692**, I think this is a good bill that is taking care of folks in the panhandle. What my amendment was simply attempting to do was to take care of some of the folks in East Texas that didn't get a special section written into **SB 7** to protect them like the folks in West Texas did. I think we need to highlight here, everybody needs to understand what was going on, that maybe you knew about this, maybe you didn't. That it's too bad that the folks in East Texas don't get the same protection, the non-ERCOT folks, that the folks in the panhandle do. We've got a problem, I am not here to bash any of the providers in East Texas, but we've had some of the same problems that they've had in the panhandle and that is the problem of getting enough electricity into our area. With that I would ask you to go ahead and support this bill. I think it's a good bill. I am sorry that we in East Texas can't benefit from it.

SPEAKER PRO TEMPORE: The chair recognizes Mr. Chisum to close.

WOLENS: Mr. Speaker, will the gentleman yield?

CHISUM: I yield Mr. Speaker.

SPEAKER PRO TEMPORE: The gentleman yields.

WOLENS: Warren, I would like to clarify what Tommy has just said and perhaps reframe the issue.

CHISUM: Please go right ahead.

WOLENS: As I understand, this is not so much an issue of protection, this is not prompted by the notion of protection, but what prompted this bill was a separate restructuring of the entity that previously owned all of the generation in the panhandle. And by that, what I mean is that one company that was originally there, STS, subsequently, I think during '99 became owned by another company which in the meantime has been. . .

CHISUM: Public Power of Colorado.

WOLENS: Thank you. It was STS and became EXCEL?

CHISUM: Public Power of Colorado and STS became EXCEL, which is a Minnesota company, a fallout of MEDAgasco.

WOLENS: Thank you. And it is because of the corporate acquisition that there became a new corporate purpose in selling the generation in the panhandle, isn't that right?

CHISUM: I believe that is correct.

WOLENS: And what this bill is designed to do is to make certain that there remains generation at an affordable price where you have the generator being sold twice since we last passed the bill, is that right?

CHISUM: That is correct, and actually it generates not only for themselves, but generates for all the co-ops, and we have a great number of co-ops in the Texas Panhandle.

WOLENS: And but for the changes in the entity that owns the generation, but for that corporate change, there really is no issue of protection and nonprotection of the folks in the panhandle. Isn't that right?

CHISUM: That is exactly right. We are excited about being able to move to competition.

WOLENS: So if there had not been a change in the corporate structure of the entity owning the generation, almost the sole generation in the panhandle, this issue would not have been addressed. Is that accurate?

CHISUM: That is very accurate.

WOLENS: The reason I want to mention that is not to suggest that because we have this bill, the ratepayers and other non-ERCOT areas by inference are not having protection, that they are not protected because of the passage of this bill.

CHISUM: That is correct.

WILLIAMS: Mr. Speaker, will the gentleman yield?

CHISUM: I yield, Mr. Speaker.

SPEAKER PRO TEMPORE: The gentleman yields.

WILLIAMS: Mr. Chisum, what I heard you talk about here was that there has been a change in the corporate structure or the ownership of the primary utility in your area, is that correct?

CHISUM: That is correct.

WILLIAMS: That would have an adverse effect on your, it could have an adverse effect, on your constituents.

CHISUM: Let me further explain so the house understands that we had some significant changes between the passage of **SB 7** and bringing this bill back to the house, because after they changed they filed a proposal with the Federal Energy Commission to sell off 80 percent of their generation. We followed that, we tracked that conversation with the federal energy commission and the utility out there that was going to do the sell-off, there was some question or not about whether the co-ops higher purchase contracts would survive that sell-off under ___ order. And ERCOT is not subject to those kinds of things. So we believe, as well as the utility, Southwestern Public Service, believes that this will be certainly a reasonable thing to back off and look at this until 2007. In addition to the fact that one of the primary users of the utility out there happens to be that area around Albuquerque out to Santa Fe, New Mexico, and virtually the entire State of New Mexico which receives a great deal of their power from the Texas Panhandle, slowed their deregulation down until 2007. So it just seemed to make sense that we would get in parallel with that area out there. We're not like ERCOT, we are in the Southwest Power Pool, and so in order to make sure that this area out there, because if we lose our power to New Mexico or to the Western Power Pool, or anything else. Without having the ability to transfer significant power into that area and we don't have, the lines just do not exist, we virtually would be without power. And so the purpose of this bill is to give us an opportunity to come in there and have Southwestern Public Service build those lines under a regular rate structure, maintain a regulated utility like we have for the last 90 years in that area until such time as we believe that we can move to competition. And when that happens, I assure you we'll be ready to move to competition.

WILLIAMS: Thank you, Mr. Chisum. I applaud you and your co-authors and joint authors for the good job you're taking of your folks back home, and I want the house to know that I have no issue with that whatsoever. I just happen to live in a non-ERCOT area and all the things that you described could happen in my area just like they might happen in your area. In fact, I'd argue that we've already experienced some times when at least the explanation I get is we can buy the power but we just can't get it in there to you. That's the only point that I want to make, not that you have a bad idea, but just that I wish there was a way that this thing could apply to all the other non-ERCOT areas in the state.

REMARKS ORDERED PRINTED

Representative Williams moved to print remarks on **CSHB 1692**.

The motion prevailed without objection.

CSHB 1692 was passed to engrossment. (Noriega recorded voting present, not voting)

HB 1047 ON SECOND READING
(by Cook)

HB 1047, A bill to be entitled An Act relating to the authority of electric cooperative corporations to receive indemnity from certain persons involved in mining lignite.

Amendment No. 1

Representative Merritt offered the following amendment to **HB 1047**:

Amend **HB 1047** as follows:

- (1) On page 1, between lines 15 and 16, insert the following:
SECTION 2. Section 127.008, Civil Practice and Remedies Code, as added by this Act, does not apply to a contract executed before January 1, 2001.
- (2) On page 1, line 16, strike "SECTION 2." and substitute "SECTION 3."

Representative Cook moved to table Amendment No. 1.

The motion to table prevailed.

HB 1047 was passed to engrossment. (Nixon recorded voting no)

CSHB 892 ON SECOND READING
(by Swinford, Green, et al.)

CSHB 892, A bill to be entitled An Act relating to sale of certain agricultural products produced by wineries.

Amendment No. 1

Representative Swinford offered the following amendment to **CSHB 892**:

Amend **CSHB 892** by striking all below the enacting clause and substituting the following:

ARTICLE 1. TEXAS WINE MARKETING ASSISTANCE PROGRAM
SECTION 1.01. Title 4, Alcoholic Beverage Code, is amended by adding Chapter 110 to read as follows:

CHAPTER 110. TEXAS WINE MARKETING ASSISTANCE
PROGRAM IN DEPARTMENT OF AGRICULTURE
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 110.001. DEFINITIONS. In this chapter:

- (1) "Commissioner" means the commissioner of agriculture.
(2) "Program" means the Texas Wine Marketing Assistance Program.

Sec. 110.002. PROGRAM ESTABLISHED. (a) The Texas Wine Marketing Assistance Program is established in the Department of Agriculture to assist the Texas wine industry in promoting and marketing Texas wines and educating the public about the Texas wine industry.

(b) The commissioner, in consultation with the advisory committee established under Section 110.003, shall adopt rules as necessary to implement the program.

Sec. 110.003. ADVISORY COMMITTEE. (a) The commissioner shall appoint an advisory committee to assist the commissioner in establishing and implementing the program. The committee shall be composed of:

- (1) three representatives of Texas wineries;

- (2) one representative of Texas wine wholesalers;
- (3) one representative of Texas package stores;
- (4) one representative of the Department of Agriculture; and
- (5) one representative of the commission.

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

(c) A member of the advisory committee serves at the pleasure of the commissioner for a term of two years. The commissioner may reappoint a member to the advisory committee.

(d) The members of the advisory committee shall select a presiding officer from among the members and adopt rules governing the operation of the committee. The rules shall specify that four members of the committee constitute a quorum sufficient to conduct the meetings and business of the committee.

(e) The advisory committee shall meet as necessary to provide guidance to the commissioner in establishing and implementing the program.

[Sections 110.004-110.050 reserved for expansion]

SUBCHAPTER B. TEXAS WINE MARKETING ASSISTANCE PROGRAM

Sec. 110.051. PROMOTION, MARKETING, AND EDUCATION. The program shall:

(1) organize a network of package stores to participate in a program promoting wines produced in this state and to deliver wine to consumers under Section 110.053;

(2) develop and maintain a database of wineries in this state and package stores that sell wines produced in this state and that allows the program's staff to identify the winery in this state that produces a particular wine;

(3) operate a toll-free telephone number to:

(A) receive inquiries from persons who wish to purchase a particular wine produced in this state;

(B) make information about the wineries in this state and the package stores participating in the program available to the public; and

(C) refer a person who wishes to purchase a Texas wine to the winery that produces the wine and inform the person of arrangements that the person can make under Section 110.053 to pick up the wine at a package store or have the wine delivered to the person's address;

(4) use market research to develop a wine industry marketing plan to increase the consumption of and access to Texas wine;

(5) educate the public about wines produced in the state by providing publicity about the information in the program's database to the public and making the information available to the public through the department's toll-free telephone number and electronically available through the Internet;

(6) promote wineries in this state and package stores that participate in the program; and

(7) promote and market, and educate consumers about, the wines produced in this state using any other method the commissioner determines is appropriate.

Sec. 110.052. PARTICIPATION OF PACKAGE STORES. (a) Except as

provided by this section, participation in the program by a package store is voluntary.

(b) If, after the program has been operating for at least 12 months, the commissioner determines after a hearing that package stores in the state are not participating in the program on a reasonably distributed geographic basis, the commissioner may request that the commission require all package stores in the state to participate in the program. On receiving the commissioner's request, the commission shall hold a hearing and may adopt rules as necessary to implement this subsection.

(c) The commissioner by rule may establish standards that a package store that participates in the program must meet.

Sec. 110.053. SALE AND SHIPMENT OF WINE THROUGH PROGRAM. (a) A person who purchases wine from a winery in this state may ship the wine in accordance with:

(1) Section 107.12, if the person is physically present at the winery;
or

(2) this section, if the person is not physically present at the winery.

(b) If a person who purchases wine from a winery in this state is not physically present at the winery, the winery may ship the wine to a package store that participates in the program. On receipt of the wine, the package store shall notify the purchaser that the wine is available to be picked up by the purchaser at the package store or shipped to the purchaser by the package store.

(c) A package store that participates in the program may charge a purchaser a handling fee of not more than \$3.50 for each order of wine that the purchaser picks up at the package store. The handling fee is not subject to state or local sales tax.

(d) If a purchaser elects to have the package store ship the wine to the purchaser, the package store and the purchaser must agree on the shipping arrangements.

(e) The package store may return a wine order to the winery if the purchaser does not pick up wine or make arrangements to have the wine shipped to the purchaser before the 30th day after the date the purchaser is notified under Subsection (b). The winery shall accept return of the wine from the package store.

(f) For the purposes of this code, a purchase of wine under this section is considered to have occurred on the premises of the winery.

(g) A package store that ships wine under this section is not liable for the actions of the carrier that delivers the wine.

Sec. 110.054. DELIVERY OF WINE IN A DRY AREA. A package store that participates in the program may ship wine under Section 110.053 to a person who resides in a dry area if:

(1) the delivery is made by the holder of a carrier permit; and

(2) the package is clearly labeled as requiring the signature of a person 21 years of age or older for delivery.

Sec. 110.055. SHIPPING FORM. The commission by rule shall adopt a standard invoice for shipping wine under Section 110.053 from a winery to a package store and from a package store to a purchaser that allows the commission to monitor the sale and delivery of wine through the program.

including the amount of wine sold through the program and the payment of taxes on that wine.

SECTION 1.02. (a) Notwithstanding the General Appropriations Act or any other law, on or before October 1 of each fiscal year of the biennium ending August 31, 2003, the Texas Alcoholic Beverage Commission shall transfer from funds appropriated to the commission \$250,000 to the Department of Agriculture to be used by the department to implement the Texas Wine Marketing Assistance Program established by Chapter 110, Alcoholic Beverage Code, as added by this Act.

(b) The Texas Alcoholic Beverage Commission in accordance with this subsection may recover the amount transferred under Subsection (a) of this section by imposing a surcharge on licenses and permits, other than an Agent's Permit or an Agent's Beer License, issued or renewed by the commission on or after September 1, 2001, and before August 31, 2003. The surcharge shall be an amount equal to the amount transferred under Subsection (a) of this section divided by the number of licenses and permits the commission anticipates issuing during that period, rounded down to the next lowest whole dollar.

(c) The governing body of an incorporated city or town or the commissioners court of a county may not levy and collect a fee under Section 11.38 or 61.36, Alcoholic Beverage Code, based on a surcharge imposed under this section.

(d) This section expires August 31, 2003.

ARTICLE 2. SALE OF WINE ON WINERY PREMISES

SECTION 2.01. Section 16.05, Alcoholic Beverage Code, is amended to read as follows:

Sec. 16.05. LOCATION OF PREMISES. (a) A winery permit may be issued for licensed premises in a dry area, but, except as provided by Subsection (b) or Section 16.08, the permittee may not sell wine in a dry area.

(b) If the premises are in a dry area, the permittee may sell wine in this state to:

(1) permit holders authorized to sell wine to the ultimate consumer in unbroken packages for off-premises consumption in an amount not to exceed 25,000 gallons annually;

(2) holders of wholesaler's permits, winery permits, and wine bottler's permits; and

(3) ultimate consumers in unbroken packages for consumption off winery premises in an amount not to exceed 25,000 gallons annually ~~[for seven consecutive days each year if:~~

~~[(A) the winery is located in:~~

~~[(i) a dry area; and~~

~~[(ii) a county with a population of 15,000 or less in which a majority of the area of the county is a dry area and in which one municipality is in a wet area; or~~

~~[(iii) a county that has a population of at least 20,000, but not more than 30,000, and that borders the Red River and in which a majority of the area of the county is a dry area;~~

~~[(B) the grapes used in manufacturing the wine are grown and harvested in the dry area;~~

~~[(C) the wine is manufactured, bottled, and sold on the winery premises; and~~

~~[(D) the holder of the permit, not later than the 14th day before the date of the start of the seven-day period, notifies the commission of the winery's intention to sell wine under the authority of this subsection].~~

SECTION 2.02. Chapter 16, Alcoholic Beverage Code, is amended by adding Section 16.08 to read as follows:

Sec. 16.08. WINE FESTIVALS. (a) At an event that is approved by the commission, organized to celebrate and promote the wine industry in this state, and held in whole or in part on the premises of the holder of a winery permit, the permit holder may:

(1) sell wine to consumers for consumption on or off the holder's premises; and

(2) dispense wine without charge for consumption on or off the holder's premises.

(b) The holder of a winery permit may sell wine to the holder of a temporary permit issued under Chapter 27, 30, or 33 for an event that is approved by the commission and organized to celebrate and promote the wine industry in this state.

(c) The holder of a winery permit may not hold more than four events described by Subsection (a) each year.

ARTICLE 3. SHIPMENT OF WINE BY CONSUMER

SECTION 3.01. Chapter 107, Alcoholic Beverage Code, is amended by adding Section 107.12 to read as follows:

Sec. 107.12. DIRECT SHIPMENT OF WINE. Notwithstanding Section 107.07, a person who purchases wine while at a winery located in this state may ship or cause to be shipped the wine to the person's residence if the winery verifies that the person purchasing the wine is 21 years of age or older. The person must be present when the wine is delivered to the person's residence.

ARTICLE 4. LOCAL OPTION ELECTION

SECTION 4.01. Section 251.11, Alcoholic Beverage Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (b) or (c), the commissioners court, at its next regular session after the petition is filed, shall order a local option election to be held on the issue set out in the petition if the petition is filed with the registrar of voters not later than 30 days after it is issued and bears in the actual handwriting of the signers the following:

(1) the actual signatures of a number of qualified voters of the political subdivision equal to 35 percent of the registered voters in the subdivision;

(2) a notation showing the residence address of each of the signers; and

(3) each signer's voter registration certificate number.

(c) A petition for a local option election related to the legal sale of wine on the premises of the holder of a winery permit must have the actual signatures, residence addresses, and voter registration certificate numbers of a number of qualified voters of the political subdivision equal to 25 percent of the registered voters in the subdivision who voted in the most recent general election.

SECTION 4.02. Sections 251.14(b), (c), (d), and (e), Alcoholic Beverage Code, are amended to read as follows:

(b) In areas where any type or classification of alcoholic beverages is prohibited and the issue submitted pertains to legalization of the sale of one or more of the prohibited types or classifications, the ballot shall be prepared to permit voting for or against one of the following issues:

- (1) "The legal sale of beer for off-premise consumption only."
- (2) "The legal sale of beer."
- (3) "The legal sale of beer and wine for off-premise consumption only."
- (4) "The legal sale of beer and wine."
- (5) "The legal sale of all alcoholic beverages for off-premise consumption only."
- (6) "The legal sale of all alcoholic beverages except mixed beverages."
- (7) "The legal sale of all alcoholic beverages including mixed beverages."
- (8) "The legal sale of mixed beverages."
- (9) "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only."
- (10) "The legal sale of wine on the premises of a holder of a winery permit."

(c) In areas where the sale of all alcoholic beverages including mixed beverages has been legalized, the ballot shall be prepared to permit voting for or against one of the following issues in any prohibitory election:

- (1) "The legal sale of beer for off-premise consumption only."
- (2) "The legal sale of beer."
- (3) "The legal sale of beer and wine for off-premise consumption only."
- (4) "The legal sale of beer and wine."
- (5) "The legal sale of all alcoholic beverages for off-premise consumption only."
- (6) "The legal sale of all alcoholic beverages except mixed beverages."
- (7) "The legal sale of all alcoholic beverages including mixed beverages."
- (8) "The legal sale of mixed beverages."
- (9) "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only."
- (10) "The legal sale of wine on the premises of a holder of a winery permit."

(d) In areas where the sale of all alcoholic beverages except mixed beverages has been legalized, the ballot shall be prepared to permit voting for or against one of the following issues in any prohibitory elections:

- (1) "The legal sale of beer for off-premise consumption only."
- (2) "The legal sale of beer."
- (3) "The legal sale of beer and wine for off-premise consumption only."
- (4) "The legal sale of beer and wine."
- (5) "The legal sale of all alcoholic beverages for off-premise consumption only."

(6) "The legal sale of all alcoholic beverages except mixed beverages."

(7) "The legal sale of wine on the premises of a holder of a winery permit."

(e) In areas where the sale of beverages containing alcohol not in excess of 17 percent by volume has been legalized, and those of higher alcoholic content are prohibited, the ballot shall be prepared to permit voting for or against one of the following issues in any prohibitory election:

(1) "The legal sale of beer for off-premise consumption only."

(2) "The legal sale of beer."

(3) "The legal sale of beer and wine for off-premise consumption only."

(4) "The legal sale of beer and wine."

(5) "The legal sale of wine on the premises of a holder of a winery permit."

ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. This Act takes effect September 1, 2001.

HB 892 — STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE HOWARD: Mr. Swinford, I've been having a little bit of a difficult time going from a two page bill to an 11 page amendment, but I think I've gotten through it and I just wanted to ask you a couple of questions. Your original bill basically related to the sale of wine and I see that Section 2 basically now says that we're going to set up a wine marketing assistance program by the Department of Agriculture. Is that correct?

REPRESENTATIVE SWINFORD: That's correct.

HOWARD: Now, how is this wine marketing program to be paid for? Is that out of funds from the Department of Agriculture or is that from the funds that you referred to earlier that are going to be paid for strictly by this fund?

SWINFORD: That's the fund that was referred to earlier. The funding mechanism we have in this bill—we have \$250,000 a year going to the Texas Department of Agriculture. A surcharge is assessed on each license permit fee, with limited exceptions, by the TABC during that two-year period. In 2000, the latest year that we have numbers for, there were 88,309 permits issued. These are both original and renewal license permits. In this bill, the TABC is instructed to calculate a surcharge by estimating the total license permits TABC expects to issue and dividing \$250,000 by that number and each license permit will be surcharged that as a result of this computation. There are two exceptions that we made to that and they are what I call the truck drivers and the people. The people's license that work on the trucks and things like that will not be subject to the surcharge. This surcharge was a voluntary filed fee. The liquor stores, the beer distributors, and everyone, because they felt like, if we were going to go forward with Texas wines, we were going to have to have someone like the Department of Agriculture to promote these wines and make sure that we did it in a professional manner. So, as part of the agreement, these people said, we will assess ourselves and we will set up this fund and we will promote Texas wines.

HOWARD: Yes, sir, I understand that aspect of it. My real question, though, is, are there going to be other funds that are appropriated to the Department of Agriculture?

SWINFORD: Not one bit.

HOWARD: Not one bit. We're sure of that? Okay. Let me ask another question. On page 3, line 23, I think I copied this down wrong—that if a retail liquor establishment—if it's determined that they're not selling enough of this wine, that the commission can come in and require that they participate in the program? Is that what that says?

SWINFORD: No, it's not. It's not about the amount of wine. It is the geographical location of the participating stores. It has nothing to do with the amount of wine.

HOWARD: So, that means if a wine shop or a liquor store in one particular geographic area of the state decides that they don't want to participate in the program, the commission can come in and say, yes, you will participate in this program and you will pay these fees. So, we've kind of gotten away from the voluntary in that respect, did we not?

SWINFORD: This particular aspect was put in by the Texas Package Store Association because they felt like that, maybe, all the package stores in Houston would do this, and maybe the package stores somewhere else might not, and they're putting money—everybody in Texas that has a permit—is putting money into this and they want it to be a successful program and they thought that if we were not getting geographical participation that they might have to step in and say, look, we're not getting this across the state, so they have a right to require them to do that. And that's their deal. It wasn't my deal.

HOWARD: It's their deal, but the answer to the question is, it is no longer voluntary. Then they can be required to participate in this program. So, it's not a voluntary program. The answer is, it is not.

SWINFORD: If they do a reasonably good job voluntarily, that will not come into effect, and if they don't, it will.

HOWARD: Then it's not voluntary. Okay. So we think it's a good idea to come in and force people to sell alcoholic beverages that they might not otherwise choose to sell.

SWINFORD: Well, these are package stores. That's sort of their business. Most of them that I talked to said that they would be delighted to have some more customers come into their place, that it would be a goodwill thing and would give them an opportunity to sell them something else besides that one bottle of Texas wine or whatever it might be. I don't judge their thinking on that; they brought this forward.

(Geren in the chair)

REMARKS ORDERED PRINTED

Representative Howard moved to print remarks by Representative Howard and Representative Swinford.

The motion prevailed without objection.

Amendment No. 1 was adopted. (Howard recorded voting no)

CSHB 892, as amended, was passed to engrossment. (Berman, Delisi, Howard and Junell recorded voting no)

CSHB 784 ON SECOND READING
(by Isett and Homer)

CSHB 784, A bill to be entitled An Act relating to certain retired, disabled, or inactive certified public accountants.

Representative Isett moved to postpone consideration of **CSHB 784** until 10 a.m. May 29.

The motion prevailed without objection.

CSHB 510 ON SECOND READING
(by Olivo, Crabb, Y. Davis, Hinojosa, Wise, et al.)

CSHB 510, A bill to be entitled An Act relating to the forfeiture of property used in the commission of certain offenses involving children.

CSHB 510 was passed to engrossment.

CSSB 65 ON SECOND READING
(B. Turner, Chavez, Hupp, Maxey, Hawley, et al. - House Sponsors)

CSSB 65, A bill to be entitled An Act relating to the regulation of telepharmacy as a method to dispense drugs.

CSSB 65 was considered in lieu of **HB 611**.

(Speaker in the chair)

CSSB 65 was passed to third reading.

HB 611 - LAID ON THE TABLE SUBJECT TO CALL

Representative B. Turner moved to lay **HB 611** on the table subject to call.

The motion prevailed without objection.

CSHB 622 ON SECOND READING
(by R. Lewis and Geren)

CSHB 622, A bill to be entitled An Act relating to financing rural water projects.

CSHB 622 was passed to engrossment.

CSHB 1148 ON SECOND READING
(by Cook)

CSHB 1148, A bill to be entitled An Act relating to notice of proposed construction sent to the county commissioners court and others regarding, and the marking, location, and removal of, certain wireless communication facilities.

Amendment No. 1

Representative Cook offered the following amendment to **CSHB 1148**:

Amend **CSHB 1148** as follows:

(1) On page 3, line 25, between "a" and "radio", insert "wireless communication facility constructed by a municipality, a wireless communication facility used for emergency communications, a".

(2) On page 3, lines 24 and 25, between "to" and "a", insert "any structure whose main purpose is to provide electric service.".

(3) On page 4, lines 4-6, strike "any other tower or antenna lawfully in existence on the effective date of the law enacting this subchapter" and substitute "a wireless communication facility installed for co-location purposes".

(4) On page 4, between lines 6 and 7, insert the following:

Sec. 35.117. EFFECT ON CERTAIN ORDINANCES. This subchapter does not preempt a local ordinance regulating a wireless communication facility.

(5) Insert the following appropriately numbered SECTION:

SECTION _____. Subchapter B, Chapter 21, Transportation Code, is amended by adding Section 21.069 to read as follows:

Sec. 21.069. MARKING OF WIRELESS COMMUNICATION FACILITY.

(a) In this section:

(1) "Cultivated field" means any open space or pasture larger than five acres in which a plant or tree nursery is located or a row crop, including cotton, corn, grain, grapes, beets, peanuts, or another row crop, is grown on a continuing basis.

(2) "Wireless communication facility" has the meaning assigned by Section 35.111, Business & Commerce Code.

(b) Absence of plants, seedlings, or a crop on a temporary basis due to crop rotation or other farm management techniques does not remove an open area from the definition of "cultivated field."

(c) This section applies only to an antenna structure that is used to provide commercial wireless communications services and that is located in a cultivated field.

(d) A person who provides commercial wireless communications services and constructs a wireless communication facility that is at least 100 feet but not more than 200 feet in height above ground level shall mark the highest guy wires on the facility, if any. The markings required under this section must be of a kind generally used for marking antennae structures.

(6) On page 4, line 7, between "SECTION 2." and "This", insert the following:

(a) The changes in law made by this Act apply only to a wireless communication facility constructed on or after the effective date of this Act.

(b)

(7) Renumber SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

CSHB 1148, as amended, was passed to engrossment.

CSHB 232 ON SECOND READING
(by Hawley, et al.)

CSHB 232, A bill to be entitled An Act relating to the exemption of certain reserve peace officers from regulation under the Private Security Act.

Amendment No. 1

Representative Hawley offered the following amendment to **CSHB 232**:

Amend **CSHB 232** on page 2, line 5, following "duties", by inserting "at an event or function sponsored or sanctioned by a political subdivision, school, or nonprofit organization".

Amendment No. 1 was adopted without objection.

CSHB 232, as amended, was passed to engrossment. (Keel recorded voting no)

HB 407 ON SECOND READING
(by Denny)

HB 407, A bill to be entitled An Act relating to the reporting of certain political contributions made in connection with a statewide office.

HB 407 was passed to engrossment.

HB 371 ON SECOND READING
(by Glaze)

HB 371, A bill to be entitled An Act relating to the application of the open meetings law and the open records law to certain entities eligible to receive funds under the federal community services block grant program.

HB 371 was passed to engrossment.

CSHB 335 ON SECOND READING
(by West)

CSHB 335, A bill to be entitled An Act relating to the Department of Public Safety Historical Museum and Research Center.

Amendment No. 1

Representative Driver offered the following amendment to **CSHB 335**:

Amend **CSHB 335** as follows:

(1) On page 2, strike lines 12 through 14, and substitute the following:

(b) The account is composed of gifts, grants, and donations collected by the department from any public or private source for the purposes of this subchapter.

(2) Strike SECTIONS 2, 3, and 4 of the bill, and renumber the subsequent SECTION of the bill appropriately.

Representative West moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 1 was adopted.

CSHB 335, as amended, was passed to engrossment.

HB 156 ON SECOND READING
(by Homer and Keel)

HB 156, A bill to be entitled An Act relating to the punishment for

certain offenses under the Texas Controlled Substances Act committed by a person using a child to facilitate the commission of the offense.

HB 156 was passed to engrossment.

HB 59 ON SECOND READING
(by Puente)

HB 59, A bill to be entitled An Act relating to making a voter information guide for judicial elections available to the public on the Internet.

HB 59 was passed to engrossment. (Berman, F. Brown, Craddick, Delisi, Denny, Hamric, Hope, Howard, Hupp, Isett, Madden, Nixon, E. Reyna, Talton, and Woolley recorded voting no)

HB 73 ON SECOND READING
(by Garcia, Junell, Clark, Goolsby, and Wise)

HB 73, A bill to be entitled An Act relating to the creation of an offense prohibiting the covert photography or visual recording of another for an improper sexual purpose.

HB 73 was passed to engrossment.

CSHB 1475 ON SECOND READING
(by Kitchen, McCall, and Oliveira)

CSHB 1475, A bill to be entitled An Act relating to master technology teacher certification, grants, and stipends.

CSHB 1475 was passed to engrossment.

HB 2812 ON SECOND READING
(by Wolens)

HB 2812, A bill to be entitled An Act relating to nonsubstantive additions to and corrections in enacted codes, to the nonsubstantive codification or disposition of various laws omitted from enacted codes, and to conforming codifications enacted by the 76th Legislature to other Acts of that legislature.

Amendment No. 1 (Committee Amendment No. 1)

Representative Wolens offered the following committee amendment to **HB 2812**:

Amend **HB 2812** as follows:

(1) Between SECTIONS 8.003 and 8.004 of the bill (Introduced version, page 142, between lines 12 and 13), insert the following:

SECTION 8.0031. Section 1231.021(d), Government Code, is amended to more accurately reflect the law from which it was derived to read as follows:

(d) If the speaker of the house of representatives is prohibited ~~[not permitted]~~ by the constitution of this state from serving as a voting member, the speaker serves as a nonvoting member.

(2) Strike Article 13 of the bill (Introduced version, page 333, line 11, through page 341, line 20).

(3) In SECTION 14.030(b) of the bill (Introduced version, page 376, line 16), in added Section 159.0061(a), Occupations Code, between "person" and "as", insert "or entity".

(4) Between Subsections (a) and (b), SECTION 14.310 of the bill (Introduced version, page 557, between lines 23 and 24), insert the following:

(a-1) Section 564.003(b), Occupations Code, is amended to correct a reference to read as follows:

(b) The board may disclose that the license of a pharmacist who is the subject of an order of the board that is confidential under Section 564.002 [~~564.002(b)~~] is suspended, revoked, canceled, restricted, or retired or that the pharmacist is in any other manner limited in the practice of pharmacy. The board may not disclose the nature of the impairment or other information that resulted in the board's action.

Amendment No. 1 was adopted without objection.

HB 2812, as amended, was passed to engrossment.

HB 2813 ON SECOND READING
(by Wolens)

HB 2813, A bill to be entitled An Act relating to the adoption of a nonsubstantive revision of statutes relating to the licensing and regulation of certain professions and business practices, including conforming amendments, repeals, and penalties.

HB 2813 was passed to engrossment.

HB 2123 ON SECOND READING
(by Tillery)

HB 2123, A bill to be entitled An Act relating to the reimbursement of expenses incurred by certain airports for providing municipal services within the boundaries of a municipality.

(Junell in the chair)

Amendment No. 1

Representative Truitt offered the following amendment to **HB 2123**:

Amend **HB 2123**, on page 1, lines 19 and 20, by striking "or the constituent agencies".

Representative Tillery moved to table Amendment No. 1.

The motion to table prevailed.

Amendment No. 2

Representative Truitt offered the following amendment to **HB 2123**:

Amend **HB 2123** as follows:

(1) On page 2, line 8, between "personal property" and the comma, insert "that is not used for an essential airport service".

(2) On page 2, between lines 26 and 27, add the following:

(e) Ad valorem taxes imposed on real or personal property that is not used for an essential airport service shall be assessed on the fair market value of the property.

(f) In this section, "essential airport service" means a runway, runway right-of-way, an airport terminal, an air navigation facility, or an airport hazard area. An improvement, including a commercial building, may be considered an essential airport service only if the improvement is operated by a person whose products or services are directly related to air navigation or to transportation and travel services for air passengers, including lodging and automobile rental services.

Representative Geren raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill.

The point of order was withdrawn.

Amendment No. 2 was withdrawn.

Representative Chisum raised a point of order against further consideration of **HB 2123** under Rule 4, Section 18(a)(4) of the House Rules.

(Speaker in the chair)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Energy Resources, 7 p.m. or upon adjournment today, E1.010.

HB 2123 - (consideration continued)

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

Mr. Chisum raised a point of order under Rule 4, Section 18(a)(4). In that the date of posting of notice contained in the minutes is not accurate. The purpose of that section of the rules is to provide information that adequate notice of the hearing was given. The date contained in the minutes, while incorrect, reflected that notice was posted five days in advance. The purpose of that section of the rules has been fulfilled and the point of order is respectfully overruled in accordance with Rule 1, Section 9(c).

Amendment No. 3

Representative Truitt offered the following amendment to **HB 2123**:

Amend **HB 2123** on page 2, line 15, between " Citations written" and "for", by inserting "by airport police officers or airport security personnel who are peace officers under Article 2.12, Code of Criminal Procedure".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Truitt offered the following amendment to **HB 2123**:

Amend **HB 2123** as follows:

- (1) On page 2, at the end of line 18, add "and".

(2) On page 2, strike line 19.

(3) On page 2, line 20, strike "(G)" and substitute "(F)".

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Truitt offered the following amendment to **HB 2123**:

Amend **HB 2123** as follows:

(1) On page 2, between lines 23 and 24, insert the following:

(d) In consideration for reimbursing the airport under this section, the municipality that is not a constituent agency may enforce the municipality's zoning ordinances with respect to property owned by the constituent agencies that is within the municipality's boundaries.

(2) On page 2, line 24, strike "(d)" and substitute "(e)".

Representative Tillery moved to table Amendment No. 5.

The motion to table prevailed.

HB 2123, as amended, was passed to engrossment.

HB 2853 ON SECOND READING (by Bosse)

HB 2853, A bill to be entitled An Act relating to studies performed by, and information gathered and analyzed by, the legislative council.

HB 2853 was passed to engrossment.

CSHB 2006 ON SECOND READING (by Naishtat, Madden, and Coleman)

CSHB 2006, A bill to be entitled An Act relating to indoor air quality in public school buildings.

Amendment No. 1

Representative Naishtat offered the following amendment to **CSHB 2006**:

Amend **CSHB 2006** as follows:

(1) On page 6, line 19, between "with the" and "renovation", insert "construction or".

(2) On page 6, line 21, between "after the" and "renovation", insert "construction or".

(3) On page 6, line 24, between "apply to a" and "renovation project", insert "construction or".

(4) On page 6, line 26, immediately before "renovation project", insert "construction or".

Amendment No. 1 was adopted without objection.

CSHB 2006, as amended, was passed to engrossment.

CSHB 2391 ON SECOND READING (by B. Turner)

CSHB 2391, A bill to be entitled An Act relating to fees and penalties relating to notification of underground excavation.

Amendment No. 1

Representative B. Turner offered the following amendment to **CSHB 2391**:

Amend **CSHB 2391** as follows:

(1) On page 1, line 20, between "may" and "give", insert ", in accordance with Section 251.2011,".

(2) On page 3, between lines 2 and 3, insert a new SECTION 3 to read as follows:

SECTION 3. Subchapter E, Chapter 251, Utilities Code, is amended by adding Section 251.2011 to read as follows:

Sec. 251.2011. WARNING LETTER AND SAFETY TRAINING COURSE.

(a) The board of directors of the corporation shall establish a procedure to ensure that the board verifies that an excavator has violated Section 251.151, 251.152, or 251.159 before giving the excavator a warning letter and requiring the excavator to attend a safety training course under Section 251.201.

(b) The board shall solicit and consider advice and recommendations from excavators in establishing or approving a safety training course that an excavator may be required to attend under Section 251.201.

(3) On page 3, line 3, renumber SECTION 3 as SECTION 4.

Amendment No. 1 was adopted without objection.

CSHB 2391, as amended, was passed to engrossment.

HB 2007 ON SECOND READING
(by Naishtat, Madden, and Coleman)

HB 2007, A bill to be entitled An Act relating to indoor air quality in newly constructed or renovated public school buildings.

Amendment No. 1

Representative Naishtat offered the following amendment to **HB 2007**:

Amend **HB 2007** as follows:

(1) On page 2, line 22, between "with the" and "renovation", insert "construction or".

(2) On page 2, line 24, between "the" and "renovation", insert "construction or".

(3) On page 2, line 27, between "apply to a" and "renovation project", insert "construction or".

(4) On page 3, line 2, immediately before "renovation project", insert "construction or".

Amendment No. 1 was adopted without objection.

HB 2007, as amended, was passed to engrossment. (Howard recorded voting no)

CSHB 1669 ON SECOND READING
(by B. Turner)

CSHB 1669, A bill to be entitled An Act relating to the duties of an operator of an underground facility and of an excavator regarding marking of the location of an underground facility.

Amendment No. 1

Representative B. Turner offered the following amendment to **CSHB 1669**:

Amend **CSHB 1669** on page 2, line 8, by striking "36th hour" and substituting "48th hour".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative B. Turner offered the following amendment to **CSHB 1669**:

Amend **CSHB 1669** on page 2, line 11, by striking "mark or".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative B. Turner offered the following amendment to **CSHB 1669**:

Amend **CSHB 1669** on page 2, line 14, by inserting "verifiable" between "another" and "electronic".

Amendment No. 3 was adopted without objection.

CSHB 1669, as amended, was passed to engrossment.

HB 2463 ON SECOND READING
(by Glaze, Najera, Chavez, et al.)

HB 2463, A bill to be entitled An Act relating to the issuance of permits in areas infected with or at high risk of infection for bovine tuberculosis.

HB 2463 was passed to engrossment.

CSHB 2446 ON SECOND READING
(by Glaze, et al.)

CSHB 2446, A bill to be entitled An Act relating to emergency medical services.

Amendment No. 1

Representative Glaze offered the following amendment to **CSHB 2446**:

Amend **CSHB 2446** on page 7, line 6 (house committee printing), by striking "12" and substituting "13 [+2]".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Dunnam offered the following amendment to **CSHB 2446**:

Amend **CSHB 2446** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION __. Chapter 771, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. STATE EMERGENCY MEDICAL
DISPATCH RESOURCE CENTER

Sec. 771.101. ESTABLISHMENT OF PILOT PROGRAM. (a) The Texas Department of Health, with the assistance of the advisory council appointed under Section 773.012, shall establish a pilot program to test the efficacy of using emergency medical dispatchers located in a regional emergency medical dispatch resource center to provide lifesaving and other emergency medical instructions to persons who need guidance while awaiting the arrival of emergency medical personnel. The purpose of a regional emergency medical dispatch resource center is not to dispatch personnel or equipment resources but to serve as a resource to provide pre-arrival instructions that may be accessed by selected public safety answering points that are not adequately staffed or funded to provide those services.

(b) The commission shall provide technical assistance to the department to facilitate the implementation of the pilot program.

(c) The department, with the cooperation of the advisory council, shall:

(1) design criteria and protocols and provide oversight as needed to conduct the pilot program;

(2) collect the necessary data to evaluate the outcome of the pilot program; and

(3) report its findings to the legislature.

Sec. 771.102. PARTICIPATION IN PILOT PROGRAM. (a) The Texas Department of Health shall determine which public safety answering points are interested in participating in the pilot program.

(b) The department shall establish criteria for selecting qualified public safety answering points to participate in the pilot program.

(c) Participating public safety answering points must agree to participate in any required training and to provide regular reports required by the department for the pilot program.

Sec. 771.103. SELECTION OF REGIONAL EMERGENCY MEDICAL DISPATCH RESOURCE CENTER. (a) The Texas Department of Health, with the assistance of the advisory council, shall select one public safety answering point to serve as the regional emergency medical dispatch resource center. The public safety answering point selected as the resource center for the pilot program must:

(1) have a fully functional quality assurance program that measures each emergency medical dispatcher's compliance with the medical protocol;

(2) have dispatch personnel who meet the requirements for emergency medical dispatcher certification or the equivalent as determined by the Texas Department of Health;

(3) use emergency medical dispatch protocols approved by a physician medical director knowledgeable in emergency medical dispatch;

(4) have sufficient experience in providing pre-arrival instructions;
and

(5) have sufficient resources to handle the additional workload and responsibilities of the pilot program.

(b) In selecting an existing public safety answering point to act as the resource center, the department and the advisory council shall consider a public safety answering point's ability to keep records and produce reports to measure the effectiveness of the pilot program.

Sec. 771.104. CRITERIA FOR EMERGENCY MEDICAL DISPATCH INTERVENTION. The department and the advisory council shall define criteria that establish the need for emergency medical dispatch intervention to be used by participating public safety answering points to determine which calls are to be transferred to the regional emergency medical dispatch resource center for emergency medical dispatch intervention.

Sec. 771.105. FUNDING OF PILOT PROGRAM. Money in the 9-1-1 services fee fund may be appropriated to the Texas Department of Health to fund the pilot program.

Sec. 771.106. REPORT TO LEGISLATURE. The department shall report its findings to the presiding officer of each house of the legislature no later than December 1, 2002.

Sec. 771.107. LIABILITY. The operations of the regional emergency medical dispatch resource center are considered to be the provision of 9-1-1 services for purposes of Section 771.053. Employees of and volunteers at the center have the same protection from liability as a member of the governing body of a public agency under Section 771.053.

Sec. 771.108. EXPIRATION. This subchapter expires September 1, 2003.

Amendment No. 3

Representative Dunnam offered the following amendment to Amendment No. 2:

Amend the Dunnam amendment to **CSHB 2446** by adding the following sentence at the end of page 3, line 10 of the amendment:

The department also may use other funds available to the department to fund the pilot program to the extent that other law does not prohibit using the funds for this purpose.

Amendment No. 3 was adopted without objection.

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

CSHB 2446, as amended, was passed to engrossment.

HR 873 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 873**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 873, Honoring the grand opening of Maxie's Barber and Beauty Mall in Houston.

HR 873 was adopted without objection.

RULES SUSPENDED

Representative Rangel moved to suspend the 5-day posting rule to allow the Committee on Higher Education to consider **SB 1498** upon adjournment today at Desk 118.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Rules and Resolutions, upon adjournment today, Desk 133, for a formal meeting, to consider the calendar.

Land and Resource Management, upon adjournment today, Desk 107, for a formal meeting, to consider pending legislation.

Criminal Jurisprudence, upon adjournment today, Desk 12, for a formal meeting, to consider pending business.

Ways and Means, upon adjournment today.

County Affairs, upon adjournment today, E1.026, for a public hearing, to consider house and senate bills.

Economic Development, upon adjournment today, Desk 124, for a formal meeting, to consider pending business.

Higher Education, upon adjournment today, Desk 118, for a formal meeting, to consider pending bills.

Elections, upon adjournment today, E2.012, for a formal meeting, to consider bills posted and pending.

Appropriations, Subcommittee on Teacher Issues, Monday, April 30, appropriations committee room, for a public hearing, to consider teacher issues.

Redistricting, upon adjournment today, capitol extension auditorium, for a public hearing.

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

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

STATEMENTS OF VOTE

When Record No. 197 was taken, I was in the house but away from my desk. I would have voted no.

P. King

When Record No. 197 was taken, I was in the house but away from my desk. I would have voted no.

Morrison

When Record No. 198 was taken, I was in the house but away from my desk. I would have voted yes.

Morrison

ADJOURNMENT

Representative Dutton moved that the house adjourn until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 6:46 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HR 838 (By Smith), Honoring Lou Baum of Eules for his exemplary service to his fellow man.

To Rules & Resolutions.

HR 839 (By Smith), Honoring the retirement of Don Brown as principal of L. D. Bell High School in H-E-B ISD.

To Rules & Resolutions.

HR 840 (By Smith), Honoring Ralph Bryan on his selection as the 2000 Hurst Citizen of the Year.

To Rules & Resolutions.

HR 841 (By Smith), Honoring Bobby Baker for his dedication to the citizens of Eules.

To Rules & Resolutions.

HR 842 (By Delisi), Honoring Colonel David B. Hall on his retirement from the U.S. Army.

To Rules & Resolutions.

HR 843 (By Hodge), In memory of Zinnie B. Lewis of Dallas.

To Rules & Resolutions.

HR 845 (By Wohlgemuth), Honoring Mary Elizabeth Wills of Godley on her outstanding 4-H achievements.

To Rules & Resolutions.

HR 846 (By Hilderbran), In memory of Carl Donald Meek, Sr.

To Rules & Resolutions.

HR 847 (By Truitt), In memory of Deputy Oscar C. Hill IV of the Harris County Sheriff's Department.

To Rules & Resolutions.

HR 848 (By Truitt), In memory of Trooper Randall W. Vetter of the Department of Public Safety.

To Rules & Resolutions.

HR 849 (By Truitt), In memory of Senior Corporal Harold Franklin Baird, Jr., of the Dallas Police Department.

To Rules & Resolutions.

HR 850 (By Truitt), In memory of Lieutenant John D. Dykowski of the Taylor Police Department.

To Rules & Resolutions.

HR 851 (By Truitt), In memory of Officer Oscar Domingo Perez of the San Antonio Police Department.

To Rules & Resolutions.

HR 852 (By Truitt), In memory of Correctional Officer III Daniel James Nagle of the Texas Department of Criminal Justice-ID.

To Rules & Resolutions.

HR 853 (By Truitt), In memory of Trooper Terry Wayne Miller of the Department of Public Safety.

To Rules & Resolutions.

HR 854 (By Truitt), In memory of Lieutenant Larry S. Kolb of the Kendall County Sheriff's Office.

To Rules & Resolutions.

HR 855 (By Truitt), In memory of Officer Larry Clark Jacobs of the Mexia Police Department.

To Rules & Resolutions.

HR 856 (By Truitt), In memory of Officer Tiffany Catherine Hickey of the Cockrell Hill Police Department.

To Rules & Resolutions.

HR 857 (By Truitt), In memory of Officer Troy A. Blando of the Houston Police Department.

To Rules & Resolutions.

HR 858 (By Truitt), In memory of Deputy Thomas Orville Monse, Jr., of the Atascosa County Sheriff's Department.

To Rules & Resolutions.

HR 859 (By Truitt), In memory of Deputy Mark Louis Stephenson of the Atascosa County Sheriff's Department.

To Rules & Resolutions.

HR 860 (By Truitt), In memory of Officer William Dewayne Jones, Sr., of the City of Austin Park Police.

To Rules & Resolutions.

HR 861 (By Truitt), In memory of Officer John Anthony Riojas of the San Antonio Police Department.

To Rules & Resolutions.

HR 862 (By Truitt), In memory of Deputy Vance Howard Clements of the Gregg County Sheriff's Office.

To Rules & Resolutions.

HR 863 (By Truitt), In memory of Patrolman Aubrey Wright Hawkins of the Irving Police Department.

To Rules & Resolutions.

HR 864 (By Truitt), In memory of Corporal James Arvel Lamance of the Whitewright Police Department.

To Rules & Resolutions.

HR 865 (By Truitt), In memory of Deputy Lee Wayne Russ of the Ward County Sheriff's Department.

To Rules & Resolutions.

HR 866 (By Truitt), In memory of Deputy John Charles Risley of the Harris County Sheriff's Department.

To Rules & Resolutions.

HR 867 (By McClendon), Honoring Henry Cisneros for his myriad good works in behalf of our state and nation.

To Rules & Resolutions.

HR 868 (By Villarreal), Honoring the members of San Antonio's Inncercity With Style for their selfless contributions to their community.

To Rules & Resolutions.

SB 590 to State Affairs.

SB 800 to Land & Resource Management.

SB 850 to Criminal Jurisprudence.

SB 876 to Public Health.

SB 896 to Ways & Means.

SB 1016 to State Affairs.

SB 1198 to Licensing & Administrative Procedures.

SB 1201 to Criminal Jurisprudence.

SB 1311 to Elections.

SB 1344 to Urban Affairs.

SB 1778 to Criminal Jurisprudence.

SJR 32 to Urban Affairs.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 36

HB 919, HB 1086

Senate List No. 16

SB 695, SB 802, SB 938, SB 1589, SCR 49

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
Wednesday, April 25, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 311 Zaffirini

Relating to the continuation and functions of the General Services Commission and to the operations of certain other state agencies having functions transferred from or associated with the commission, including the Department of Information Resources, the telecommunications planning and oversight council, the interagency work group for developing contracting guidelines, and the State Cemetery Committee.

SB 465 Shapleigh

Relating to the establishment of a task force to study the viability of creating border port of entry authorities.

SB 471 Carona

Relating to deferred deposit loans.

SB 914 Ogden

Relating to certain educational facilities and housing facilities owned by higher education authorities or by certain nonprofit entities.

SB 1045 Moncrief

Relating to the hazardous substances law; providing penalties.

SB 1156 Zaffirini

Relating to the state Medicaid program.

SB 1167 Madla

Relating to the administration, powers, duties, and operations of certain emergency services districts; providing criminal penalties.

SB 1308 Barrientos

Relating to a county's authority to set a fee or other charge for certain licenses, permits, registrations, or other administrative expenses.

SB 1398 Fraser

Relating to the authority of the governing body of a municipality to change previously adopted zoning regulations.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, April 25, 2001 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 906 Bosse SPONSOR: Lucio

Relating to the continuation and functions of the Coastal Coordination Council.
(AMENDED)

HB 1664 Alexander SPONSOR: Brown, J. E. "Buster"

Relating to certain regulations of the sale and operation of certain vehicles.
(AMENDED)

HCR 258 Jones, Delwin SPONSOR: Duncan

Honoring Dr. O. Wayne Isom of New York City for his medical contributions.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Wednesday, April 25, 2001 - 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 CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 404 (30 Yeas, 0 Nays, 1 Present Not Voting)

SB 487 (30 Yeas, 0 Nays, 1 Present Not Voting)

Respectfully,

Betty King
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Wednesday, April 25, 2001 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 372 Barrientos
Relating to the reestablishment of service credit in a public retirement system participating in the proportionate retirement program.

SB 796 Madla
Relating to the exception to disclosure under the public information law of certain audit working papers.

SB 1309 Staples
Relating to a challenge of voter registration.

SB 1315 Staples
Relating to the use of revenue from the municipal hotel occupancy tax.

SJR 35 Wentworth
Proposing a constitutional amendment relating to the time for legislative and congressional redistricting following release of the federal decennial census.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 24

Agriculture & Livestock - **HB 788, HB 3667**

Civil Practices - **HB 235, HB 1905, HB 1917, HB 2367, HB 3473, HCR 203, HCR 206**

County Affairs - **HB 1350**

Criminal Jurisprudence - **HB 2222, HB 3505**

Environmental Regulation - **HB 2134**

Higher Education - **HB 1210**

Insurance - **HB 951, HB 1709, HB 1752, HB 2827, HB 3393**

Judicial Affairs - **HB 1256, HB 2105, HB 2731, HB 3000, HB 3663, HB 3671**

Juvenile Justice & Family Issues - **HB 847**

Land & Resource Management - **HB 2762, SB 243**

Licensing & Administrative Procedures - **SB 817**

Natural Resources - **SB 289**

Public Education - **HJR 74**

Public Health - **HB 2407, HB 2558, HB 2574, HB 3043, HB 3465, HCR 202, SB 65, SB 115, SB 768**

Public Safety - **HB 3330**

State, Federal & International Relations - **HB 2360**

Transportation - **HB 149, HB 388, HB 544, HB 1381, HB 1492, HB 1548, HB 1705, HB 1831, HB 2606, HB 3323, SB 454**

Urban Affairs - **HB 2245, HB 2321, HB 2536, SB 1061**

Ways & Means - **HB 182, HB 887, HB 939, HB 1689, HB 1732, HB 2936, HB 3382**

ENGROSSED

April 24 - HB 106, HB 131, HB 236, HB 247, HB 323, HB 328, HB 362, HB 400, HB 430, HB 457, HB 468, HB 587, HB 623, HB 965, HB 1066, HB 1075, HB 1113, HB 1126, HB 1188, HB 1194, HB 1243, HB 1403, HB 1420, HB 1684, HB 1733, HB 1794, HB 1948, HB 1994, HB 2139, HB 2300, HB 2311, HB 2337, HB 2344, HB 2384, HB 2537, HB 2746, HB 2787, HB 2828, HB 3016, HB 3329, HB 3483, HB 3673, HJR 5

ENROLLED

April 24 - HB 1019, HCR 219, HJR 47

SENT TO THE GOVERNOR

April 24 - HB 1019, HCR 219

SENT TO THE SECRETARY OF THE STATE

April 24 - HJR 47

