

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTIETH DAY — THURSDAY, APRIL 26, 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 212).

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; 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; Zbraneck.

The invocation was offered by Rabbi Chaim Block, Chabad Lubavitch of South Texas, San Antonio, as follows:

Almighty G-d, the members of this august body, the Texas House of Representatives, convene here to fulfill one of the seven Biblical commandments which you issued to all mankind, that all societies must govern by just laws.

At the dawn of civilization, as related in Genesis and its sacred commentaries, you issued seven commandments, which came to be known as the Seven Noahide Laws. To worship you alone and not to serve idols; never to blaspheme your holy name; not to murder; not to commit adultery; not to steal; not to be cruel to any living creature; and that every society govern by just laws, which are based in the recognition of you, O G-d, as the sovereign ruler of all men and nations.

Grant us, almighty G-d that those assembled here to enact the laws, which govern this blessed country, be cognizant of your presence, and conduct their deliberations accordingly. Bless them with good health, wisdom, compassion, good cheer, and good fellowship. May they constantly realize that in laboring for the enactment of just laws they are doing your will. 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. 37 and Senate List No. 17).

**HCR 259 - ADOPTED
(by J. Davis and Talton)**

Representative J. Davis moved to suspend all necessary rules to take up and consider at this time **HCR 259**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 259, Welcoming the visiting students and staff from North Pointe Elementary School in Clear Lake City to the State Capitol on April 26, 2001.

HCR 259 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative J. Davis, who introduced class representatives and staff from North Pointe Elementary School.

**HR 796 - ADOPTED
(by Ellis)**

Representative Ellis moved to suspend all necessary rules to take up and consider at this time **HR 796**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 796, Honoring Leslie Cronin for being crowned Miss San Jacinto County 2001.

(Edwards in the chair)

HR 796 was read and was adopted without objection.

(Speaker in the chair)

CAPITOL PHYSICIAN

The speaker recognized Representative Eiland who presented Dr. Warren T. Longmire of Hitchcock as the "Doctor for the Day."

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

**SCR 31 - ADOPTED
(Chisum - House Sponsor)**

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **SCR 31**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 31, Congratulating the citizens of Borger on its 75th anniversary.

SCR 31 was adopted without objection.

SCR 30 - ADOPTED
(Chisum - House Sponsor)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **SCR 30**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 30, Commending the achievements and contributions of the citizens of Hutchinson County on its 100th anniversary.

SCR 30 was adopted without objection.

HR 792 - ADOPTED
(by B. Turner, Crabb, and Alexander)

Representative B. Turner moved to suspend all necessary rules to take up and consider at this time **HR 792**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 792, Honoring James Grayson for 55 years of service to the Texas Department of Transportation.

HR 792 was read and was adopted without objection.

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 740 - VOTE RECONSIDERED

Representative Chisum moved to reconsider the vote by which **HB 740** failed to pass to engrossment.

A record vote was requested.

The motion to reconsider prevailed by (Record 213): 79 Yeas, 66 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent — Grusendorf; Hilbert; Olivo; Wise.

STATEMENTS OF VOTE

When Record No. 213 was taken, I was temporarily out of the house chamber. I would have voted no.

Hilbert

I was shown voting yes on Record No. 213. I intended to vote no.

Kuempel

I was shown voting yes on Record No. 213. I intended to vote no.

Marchant

Representative Dutton moved to postpone consideration of **HB 740** until 1:00 p.m. today.

The motion prevailed without objection.

HR 810 - ADOPTED (by Krusee)

Representative Krusee moved to suspend all necessary rules to take up and consider at this time **HR 810**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 810, Honoring the 2000 Round Rock Express baseball team for its outstanding inaugural season.

HR 810 was read and was adopted without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation, at lunch recess today, speakers committee room, for a formal meeting.

Criminal Jurisprudence, at lunch recess today, speakers committee room, for a formal meeting, to consider pending business.

MEMBERS REUNION DAY

The speaker announced that the members reunion day ceremony would be held during recess.

RECESS

The house recessed at 10:59 a.m. until 1:30 p.m. today.

AFTERNOON SESSION

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

RULES SUSPENDED

Representative Ramsay moved to suspend the 5-day posting rule to allow the Committee on County Affairs to consider **HB 3687**, **HB 3691**, and **HB 3692**, at 9 a.m. Monday, April 30, in E1.014.

The motion prevailed without objection.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1 and 2).

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

**CSHB 740 ON SECOND READING
(by Dutton)**

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

The vote by which **CSHB 740** failed to pass to engrossment was reconsidered earlier today and **CSHB 740** was postponed until this time.

Representative Dutton moved to postpone consideration of **CSHB 740** until 3 p.m. today.

The motion prevailed without objection.

**HCR 196 - ADOPTED
(by Isett and D. Jones)**

Representative Isett moved to suspend all necessary rules to take up and consider at this time **HCR 196**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 196, Designating Lubbock as the Texas City of Vatican Art for Year 2002.

HCR 196 was adopted without objection.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

SB 304 ON THIRD 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

Representative McReynolds offered the following amendment to **SB 304**:

Amend **SB 304** on third reading, in proposed Section 21.069(a), Transportation Code, as added by the Wilson amendment on 2nd reading, after "The State Aircraft Pooling Board" and before "move its headquarters", by striking "shall" and substituting "may".

Amendment No. 1 was adopted without objection.

(Speaker pro tempore in the chair)

SB 304, as amended, was passed. (Carter recorded voting no)

SB 304 - REASON FOR VOTE

The amendment language that Representative Wilson put on the bill for central Texas airport would take future funding dollars from a number of other small airports in the state and could inadvertently have unintended consequences.

Carter

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 522 ON THIRD 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.

SB 522 was passed.

SB 523 ON THIRD 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 Chavez offered the following amendment to **SB 523**:

Amend **SB 523** (house committee printing) on third reading as follows:

(1) In SECTION 26 of the bill, in amended Subsection (a)(3), Section 844.102, Government Code, strike "or 844.211" (page 36, line 9) and substitute "[or] 844.211, or 844.212".

(2) Between SECTIONS 28 and 29 of the bill (page 42, between lines 1 and 2), insert the following appropriately numbered section:

SECTION __. Subchapter C, Chapter 844, Government Code, is amended by adding Section 844.212 to read as follows:

Sec. 844.212. OPTIONAL BENEFIT ELIGIBILITY PLAN FOUR. (a) In this section, "eligible credited service" means credited service performed for one or more participating subdivisions that have adopted the plan provisions of this section.

(b) Subject to Subsection (d), the governing body of a participating subdivision may adopt the plan provisions under Subsection (c).

(c) A member is eligible to apply for and receive a service retirement annuity if the member has at least 20 years of eligible credited service in the retirement system.

(d) The governing body of a subdivision may not adopt the plan provisions of Subsection (c) except on the terms provided by Subchapter H.

(3) In SECTION 44 of the bill, in amended Subsection (d)(7), Section 844.704, Government Code, strike "or 844.211" (page 56, line 11) and substitute "844.211, or 844.212".

(4) In SECTION 55 of the bill, strike Subsection (b) of that section (page 68, lines 14 and 15), and substitute:

(b) Sections 843.004 and 843.005, Government Code, as added by this Act, and Section 845.407, Government Code, as amended by this Act, take effect September 1, 2001.

(5) Renumber the sections of the bill appropriately.

Amendment No. 1 was adopted without objection.

SB 523, as amended, was passed.

SB 247 ON THIRD READING (Haggerty and Capelo - House Sponsors)

SB 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.

SB 247 was passed.

SB 405 ON THIRD 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.

SB 1166 ON THIRD 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.

A record vote was requested.

SB 1166 was passed by (Record 214): 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; 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; 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; Zbraneck.

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

Absent — Hilbert; Salinas.

SB 648 ON THIRD 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.

A record vote was requested.

SB 648 was passed by (Record 215): 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, 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; 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; Zbranek.

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

Absent — Salinas; Yarbrough.

SB 607 ON THIRD READING
(McClendon - House Sponsor)

SB 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.

A record vote was requested.

SB 607 was passed by (Record 216): 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; 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; 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 — Howard; Salinas.

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

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

Amendment No. 1

Representative B. Turner offered the following amendment to **SB 65**:

Amend **SB 65**, on third reading, by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION __. Section 57.042, Utilities Code, is amended by adding Subdivision (12) to read as follows:

(12) "Telepharmacy system" means a system that monitors the dispensing of prescription drugs and provides for related drug use review and patient counseling services by an electronic method, including the use of the following types of technology:

- (A) audio and video;
- (B) still image capture; and
- (C) store and forward.

SECTION __. Section 57.047(a)(1), Utilities Code, is amended to read as follows:

57.047. Grant and Loan Program

(a) The board may award a grant to a project or proposal that:

- (1) provides equipment and infrastructure necessary for:
 - (A) distance learning;
 - (B) an information sharing program of a library; [or]
 - (C) telemedicine services; or
 - (D) telepharmacy systems;

Amendment No. 1 was adopted without objection.

SB 65, as amended, was passed.

LEAVE OF ABSENCE GRANTED

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

Ramsay on motion of Telford.

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

SB 583 ON SECOND READING (Janek - House Sponsor)

SB 583, A bill to be entitled An Act relating to liens for certain services provided by physicians.

Amendment No. 1

Representative Janek offered the following amendment to **SB 583**:

Amend **SB 583** in SECTION 1 by striking Subsection 55.004(d)(1), Property Code, in its entirety and by re-numbering the subsequent Subsections of Section (d), Property Code, accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Janek offered the following amendment to **SB 583**:

Amend **SB 583**, House Committee Report, as follows:

(1) In SECTION 1 of the bill, in amended Subsection (d), Section 55.004, Property Code (page 2, line 15), strike "or".

(2) In SECTION 1 of the bill, in amended Subsection (d), Section 55.004, Property Code (page 2, line 20), strike the period and substitute "or".

(3) In SECTION 1 of the bill, in amended Subsection (d), Section 55.004, Property Code (page 2, between lines 20 and 21), insert the following:

(5) charges by the physician related to any services provided under Subsection (c) if the physician is a member of the legislature.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative G. Lewis offered the following amendment to **SB 583**:

Amend **SB 583** as follows:

1) Amend SECTION 1, Sec. 55.004(d)(3), by striking "under a private medical indemnity plan or program," and by substituting "from any source other than the injured individual, including but not limited to, any health care plan as defined by Chapter 88, Civil Practice and Remedies Code, or any state or federally-funded program that undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services."

2) Amend SECTION 1, Sec. 55.004(d)(4), by striking "under a private medical indemnity plan or program," and by substituting "from any source other than the injured individual, including but not limited to any health care plan as defined by Chapter 88, Civil Practice and Remedies Code, or any state or federally-funded program that undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services."

Amendment No. 3 was adopted without objection.

SB 583, as amended, was passed to third reading.

SB 84 ON SECOND READING (McCall - House Sponsor)

SB 84, A bill to be entitled An Act relating to the liability of certain volunteer centers.

SB 84 was passed to third reading.

SB 149 ON SECOND READING (Hunter - House Sponsor)

SB 149, A bill to be entitled An Act relating to the colleges and universities eligible to participate in the tuition equalization grant program.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Uher, Representative Hunter offered the following committee amendment to **SB 149**:

Amend **SB 149** as follows:

Insert the following new section on page 1, line 24, between Sections 1 and 2 and renumber all remaining sections:

SECTION 2. Section 61.227, Education Code, is amended to read as follows:

Sec. 61.227. PAYMENT OF GRANT; AMOUNT. (a) On receipt of a

certification of the amount of financial need from an approved institution, the coordinating board shall certify the amount of the tuition equalization grant based on financial need but not to exceed a grant amount of more than that specified in the appropriation by the legislature, or more than the difference between the tuition at the private institution attended and the tuition at the public colleges and universities.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Telford offered the following amendment to **SB 149**:

Amend **SB 149** (House committee printing) by adding the following appropriately numbered section and renumbering the subsequent sections accordingly:

SECTION _____. (a) Section 56.307(h), Education Code, is amended to read as follows:

(h) The total amount of grants that a student may receive in an academic year under this subchapter and under Section 61.221 may not exceed the total amount of tuition and required fees charged to the student in that year for the academic periods for which one or more of the grants were awarded [~~maximum amount authorized under Section 61.227~~].

(b) The change in law made by this section applies beginning with the 2001-2002 academic year.

Amendment No. 2 was adopted without objection.

SB 149, as amended, was passed to third reading.

SB 187 ON SECOND READING (Solomons - House Sponsor)

SB 187, A bill to be entitled An Act relating to the creation of an authority and project to provide government services through a secure and uniform online system.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Counts, Representative Solomons offered the following committee amendment to **SB 187**:

Amend **SB 187** as follows:

(1) In SECTION 1 of the bill, in added Section 2054.266, Government Code (Senate Engrossment, page 6, line 23), strike "GIFTS" and substitute "DONATIONS AND GRANTS".

(2) In SECTION 1 of the bill, in added Section 2054.266, Government Code (Senate Engrossment, page 6, line 24), strike "gift, donation," and substitute "donation".

(3) In SECTION 1 of the bill, in added Section 2054.266, Government Code (Senate Engrossment, page 6, line 24), after "person" and before the period, insert "for use by the authority in implementing or managing the project".

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 2)

On behalf of Representative Counts, Representative Solomons offered the following committee amendment to **SB 187**:

Amend **SB 187** (Senate Engrossment) as follows:

(1) On page 2, line 21, after "governor" and before the semicolon, insert ", including one representative from a junior college district".

(2) On page 2, line 24, after "governor" and before the semicolon, insert ", including one representative from a rural area".

(3) On page 3, line 1, after "governor" and before the semicolon, insert ", including one representative from a rural area".

(4) On page 3, line 2, after "governor" and before the period, insert ", including one representative from a rural area".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Maxey offered the following amendment to **SB 187**:

Amend **SB 187** as follows:

(1) In SECTION 1 of the bill, in added Section 2054.251, Government Code, between Subdivisions (2) and (3) (House Committee Printing page 1, between lines 11 and 12), insert the following:

(3) "Licensing authority" means a department, commission, board, office, or other agency of the state or a political subdivision of the state that issues an occupational license.

(2) In SECTION 1 of the bill, in added Section 2054.251(3), Government Code (House Committee Printing page 1, line 12), strike "(3)" and substitute "(4)".

(3) In SECTION 1 of the bill, in added Section 2054.251, Government Code, between Subdivisions (3) and (4) (House Committee Printing page 1, between lines 14 and 15), insert the following:

(5) "Occupational license" means a license, certificate, registration, or other form of authorization that a person must obtain to practice or engage in a particular business, occupation, or profession.

(4) In SECTION 1 of the bill, in added Section 2054.251(4), Government Code (House Committee Printing page 1, line 15), strike "(4)" and substitute "(6)".

(5) In SECTION 1 of the bill, strike the section heading and Subsection (a) of added Section 2054.252, Government Code (House Committee Printing page 1 line 17, through page 2, line 9), and substitute the following:

Sec. 2054.252. TEXASONLINE PROJECT. (a) The authority shall implement a project designated "Texas Online" that establishes a common electronic infrastructure through which state agencies and local governments, including licensing authorities, may electronically:

(1) send and receive documents or required payments to and from:

(A) members of the public;

(B) persons who are regulated by the agencies or local governments; and

(C) the agencies and local governments;

(2) receive applications for original and renewal licenses and permits, including occupational licenses, complaints about occupational license holders, and other documents for filing from members of the public and persons who are regulated by a state agency or local government that, when secure access is necessary, can be electronically validated by the agency, local government, member of the public, or regulated person;

(3) send original and renewal occupational licenses to persons regulated by licensing authorities;

(4) send profiles of occupational license holders to persons regulated by licensing authorities and to the public;

(5) store information; and

(6) provide and receive any other service to and from the agencies and local governments or the public.

(6) In SECTION 1 of the bill, at the end of added Section 2054.252, Government Code (House Committee Printing page 2, between lines 12 and 13), insert the following:

(c) The authority may implement this section in phases. Each state agency or local government that chooses to participate in the project and each licensing authority shall comply with the schedule established by the authority.

(d) The authority may contract with a private vendor to implement this section.

(e) The authority shall charge fees to licensing authorities in amounts sufficient to cover the cost of implementing this section with respect to licensing authorities. The authority shall charge a subscription fee to be paid by each licensing authority.

(f) The authority, in cooperation with the Legislative Budget Board, may exempt a licensing authority from subscription fees under Subsection (e) if the authority determines that the licensing authority has established an Internet portal that is performing the functions described by Subsection (a).

(g) The amount of a subscription fee under Subsection (e) must be approved by the Legislative Budget Board.

(h) Each licensing authority shall increase the occupational license renewal fees imposed by the licensing authority by an amount sufficient to cover the cost of the subscription fee imposed on the licensing authority under Subsection (e) but not to exceed:

(1) \$5 for an occupational license that is required to be renewed annually; or

(2) \$10 for an occupational license that is required to be renewed biennially.

(7) In SECTION 1 of the bill, in added Section 2054.260, Government Code (House Committee Printing page 5, line 7), between "REQUIREMENTS" and the period, insert ": AUTHORITY".

(8) In SECTION 1 of the bill, between added Sections 2054.260 and 2054.261, Government Code (House Committee Printing page 5, between lines 22 and 23), insert the following:

Sec. 2054.2605. REPORTING REQUIREMENTS: LICENSING AUTHORITIES. (a) Each licensing authority shall report to the Legislative Budget Board on the licensing authority's progress in using the project in performing the functions described by Section 2054.252(a).

(b) This section applies only to a licensing authority for which the licensing authority has begun implementation of the project under the schedule established by the Texas Online Authority.

(c) A report required by this section shall be submitted every six months according to a reporting schedule established by the Legislative Budget Board.

Sec. 2054.2606. REPORTING PROFILE INFORMATION. (a) The following licensing authorities shall establish a profile system consisting of the specific license holder information prescribed by Subsection (c):

(1) Texas Board of Chiropractic Examiners, with respect to chiropractors;

(2) Texas State Board of Podiatric Medical Examiners, with respect to podiatrists;

(3) State Board of Dental Examiners, with respect to dentists;

(4) Texas Optometry Board, with respect to optometrists and therapeutic optometrists;

(5) Texas Board of Physical Therapy Examiners, with respect to physical therapists and physical therapy facilities;

(6) Texas Board of Occupational Therapy Examiners, with respect to occupational therapists and occupational therapy facilities;

(7) Texas State Board of Examiners of Psychologists, with respect to psychologists; and

(8) Texas State Board of Pharmacy, with respect to pharmacists and pharmacies.

(b) A licensing authority other than a licensing authority listed in Subsection (a) is encouraged to establish a profile system consisting of the specific license holder information prescribed by Subsection (c).

(c) A licensing authority that establishes a profile system under this section shall determine the information to be included in the system and the manner for collecting and reporting the information. At a minimum, the authority shall include the following information in the profile system:

(1) the name of the license holder and the address and telephone number of the license holder's primary practice location;

(2) whether the license holder's patient, client, user, customer, or consumer service areas, as applicable, are accessible to disabled persons, as defined by federal law;

(3) the type of language translating services, including translating services for a person with impairment of hearing, that the license holder provides for patients, clients, users, customers, or consumers, as applicable;

(4) if applicable, insurance information, including whether the license holder participates in the state child health plan under Chapter 62, Health and Safety Code, or the Medicaid program;

(5) the education and training received by the license holder, as required by the licensing authority;

(6) any specialty certification held by the license holder;

(7) the number of years the person has practiced as a license holder;
and

(8) if applicable, any hospital affiliation of the license holder.

(d) The authority by rule shall prescribe the amount of the fee to be collected by a state agency that establishes a profile system for its license

holders. The amount of the fee prescribed under this subsection must be approved by the Legislative Budget Board.

(e) The authority shall adopt additional rules as necessary to assist in the funding and administration of the profile systems established by state agencies, including rules prescribing policies for vendor contracts relating to the collection and entry of profile data.

(9) Between SECTIONS 6 and 7 of the bill (House Committee Printing page 9, between lines 20 and 21), insert the following sections, appropriately numbered, and renumber the subsequent section accordingly:

SECTION __. (a) Not later than April 1, 2002, the Texas Online Authority shall adopt a schedule for implementing Section 2054.252, Government Code, as added by this Act. The schedule shall permit the initial group of licensing authorities to perform the functions described by Section 2054.252(a), Government Code, as added by this Act, not later than September 1, 2002.

(b) Not later than January 1, 2003, the Texas Online Authority shall report to the presiding officer of each house of the legislature and to the presiding officers of the committees of each house of the legislature that have primary oversight jurisdiction over the authority or over a licensing authority subject to Subchapter I, Chapter 2054, Government Code, as added by this Act, on the authority's progress in implementing Section 2054.252, Government Code, as added by this Act.

SECTION __. (a) Each state agency required under this Act to establish a profile system shall adopt rules under this Act not later than January 1, 2002. The agency shall make the initial profiles required under this Act available to the public not later than January 1, 2005.

(b) Each state agency required under this Act to establish a profile system shall collect the fee prescribed by the Texas Online Authority under Section 2054.2606(d), Government Code, as added by this Act, with the approval of the Legislative Budget Board. The authority shall prescribe the amount of the fee not later than January 1, 2002. A state agency required to collect the fee shall begin collecting the fee as part of the agency's license renewal system on that date.

Amendment No. 3 was adopted without objection.

SB 187, as amended, was passed to third reading.

SB 187 - STATEMENT OF LEGISLATIVE INTENT

SB 187 enables state and local agencies to gain access to the TexasOnline portal through a process involving the agency, the Department of Information Resources, and the portal contractor. It is also my understanding that the portal contractor and the Department of Information Resources have a draft document entitled "Texas Online Application Architecture", which sets out various alternatives for agencies to host their online applications with the portal. This document is still in draft form and the portal contractor and the Department of Information Resources are working with a variety of vendors to develop a document, which gives agencies and local governments different application architecture options. The intent of **SB 187**, as exhibited in this draft document, is to allow as much flexibility as reasonable for state and local governments to

choose an application architecture which best suits their technical needs and minimizes the costs to the contractor and the state.

Solomons

POSTPONED BUSINESS

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

SB 817 ON SECOND READING (Goolsby - House Sponsor)

SB 817, A bill to be entitled An Act relating to the requirement that the name of a state agency be printed on certain state motor vehicles.

SB 817 was considered in lieu of **HB 1730**.

SB 817 was read second time and was passed to third reading.

CSHB 1730 - LAID ON THE TABLE SUBJECT TO CALL

Representative Goolsby moved to lay **CSHB 1730** on the table subject to call.

The motion prevailed without objection.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSHB 2498 ON SECOND READING (by Haggerty, Oliveira, Gallego, Solis, and Raymond)

CSHB 2498, A bill to be entitled An Act relating to certain cross-border health care plans offered by health maintenance organizations.

CSHB 2498 was read second time on April 24 and was postponed until this time.

Representative Haggerty moved to postpone consideration of **CSHB 2498** until 10 a.m. Thursday, May 3.

The motion prevailed without objection.

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

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

HB 3451 ON THIRD READING (by Gallego, Carter, Martinez Fischer, McCall, and Ehrhardt)

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

A record vote was requested.

HB 3451 was passed by (Record 217): 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; 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; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; 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; Zbraneck.

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

Absent, Excused — Ramsay.

Absent — Dukes; Salinas.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 3067 ON SECOND READING
(by Chisum, Gray, Hamric, and McCall)**

CSHB 3067, A bill to be entitled An Act relating to the continuation and functions of the Texas Funeral Service Commission.

Amendment No. 1

Representative Isett offered the following amendment to **CSHB 3067**:

Amend **CSHB 3067** by inserting a new SECTION 1.27 of the bill and renumbering subsequent SECTIONS accordingly:
Section 1.27. Subchapter L, Chapter 651, Occupations Code, is amended by adding new subsection 651.451(9) to read as follows:

(9) accepts compensation, directly or indirectly, for the sale of prepaid funeral services if the contract for those services does not;

(a) provide for reasonable consumer modification of funeral benefits at the time of need without penalty; and

(b) permit the purchaser of a prepaid funeral benefits contract to change the funeral provider without penalty, except for expenses allowed by Sec. 154.252, Finance Code.

Amendment No. 1 was adopted without objection.

CSHB 3067, 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 691 ON THIRD 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** on third reading, by adding a new subsection (e) to Sec. 8.101 and renumbering accordingly:

(e) Garnishment for the purposes of spousal maintenance does not apply to unemployment insurance benefit payments.

Amendment No. 1 was adopted without objection.

HB 691, as amended, was passed.

**HB 1077 ON THIRD READING
(by Haggerty)**

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

HB 1077 was passed.

**HB 1094 ON THIRD READING
(by Gray, Flores, Kitchen, et al.)**

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

A record vote was requested.

HB 1094 was passed by (Record 218): 121 Yeas, 23 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **HB 1094** was passed by Record No. 227.)

Yeas — Alexander; Averitt; Bailey; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crownover; Danburg; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Gutierrez; Haggerty; Hardcastle; Hawley; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Seaman;

Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Wilson; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Allen; Berman; Corte; Crabb; Craddick; Delisi; Denny; Elkins; Grusendorf; Hamric; Hartnett; Heflin; Hilbert; Howard; Hupp; Isett; Keel; Kuempel; Marchant; Nixon; Reyna, E.; Williams; Woolley.

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

Absent, Excused — Ramsay.

Absent — Krusee; Merritt; Salinas.

STATEMENTS OF VOTE

I was shown voting no on Record No. 218. I intended to vote yes.

Allen

I was shown voting no on Record No. 218. I intended to vote yes.

Keel

I was shown voting no on Record No. 218. I intended to vote yes.

Kuempel

I was shown voting yes on Record No. 218. I intended to vote no.

Talton

HB 3524 ON THIRD READING (by Hochberg)

HB 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.

A record vote was requested.

HB 3524 was passed by (Record 219): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; 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; 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; Rangel; Raymond; Reyna, A.; Reyna, E.;

Ritter; Sadler; 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, Excused — Ramsay.

Absent — Brimer; Krusee; Salinas.

HB 1541 ON THIRD READING
(by Luna)

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

HB 1541 was passed.

HB 557 ON THIRD READING
(by Dukes, Ehrhardt, Solis, and Wohlgemuth)

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

HB 557 was passed.

HB 176 ON THIRD READING
(by Luna)

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

A record vote was requested.

HB 176 was passed by (Record 220): 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, 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; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; 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, Excused — Ramsay.

Absent — Salinas.

HB 259 ON THIRD READING
(by G. Lewis and Chavez)

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

HB 259 was passed. (Hartnett and Nixon recorded voting no)

HB 471 ON THIRD 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.

HB 1692 ON THIRD READING
(by Chisum, Laney, Counts, Walker, Swinford, et al.)

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

Amendment No. 1

Representative Isett offered the following amendment to **HB 1692**:

Amend **HB 1692** on third reading by inserting a new appropriately numbered SECTION to the bill to read as follows and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 396.005(c), Local Government Code, is amended to read as follows:

(c)[(†)] Notwithstanding any provision of this subchapter, the authority shall continue to be served by the current provider of electricity and related services to the authority until the later of January 1, 2007, or the date on which an electric utility subject to Subchapter I, Chapter 39, Utilities Code, is authorized by the Public Utility Commission of Texas to implement customer choice [September 1, 2001].

~~[(2) Before September 1, 2001, the Public Utility Commission of Texas shall study the electric utility infrastructure of the authority and determine a reasonable purchase price for the infrastructure. The authority shall reimburse the commission for the cost of hiring a consultant to prepare and present a study of a reasonable purchase price for the infrastructure, if the commission determines that a consultant is necessary.~~

~~[(3) Any delegation of the exercise of power and the provision of electric services provided for in Subsection (a)(19) shall be effected through a competitive sealed proposal procedure. The delegation must be awarded to the responsible offer for whose proposal is determined to be the most advantageous to the authority after considering the relative importance of price and other evaluation factors included in the request for proposals. The authority may include as an evaluation factor any criteria the board determines to be relevant~~

~~to the delegation. The authority may reject any and all proposals. The authority may not accept a proposal for the acquisition of the electric utility infrastructure of the authority in which the offered amount is less than the reasonable purchase price determined by the Public Utility Commission of Texas. The provisions of Chapter 252, including Section 252.042(b) and related provisions of this code, shall control procedures where not otherwise inconsistent with the provisions herein.]~~

Amendment No. 1 was withdrawn.

A record vote was requested.

HB 1692 was passed by (Record 221): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; 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; 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; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; 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, Excused — Ramsay.

Absent — Allen; Janek; Salinas.

HB 1047 ON THIRD 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.

HB 1047 was passed.

HB 892 ON THIRD READING (by Swinford, Green, et al.)

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

HB 892 was passed.

HB 510 ON THIRD READING**(by Olivo, Crabb, Y. Davis, Hinojosa, Wise, et al.)**

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

HB 510 was passed.

HB 622 ON THIRD READING**(by R. Lewis and Geren)**

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

HB 622 was passed.

HB 1148 ON THIRD READING**(by Cook)**

HB 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.

HB 1148 was passed.

HB 232 ON THIRD READING**(by Hawley, et al.)**

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

HB 232 was passed. (Keel and E. Reyna recorded voting no)

HB 407 ON THIRD 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.

HB 371 ON THIRD 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.

HB 335 ON THIRD READING**(by West)**

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

HB 335 was passed.

HB 156 ON THIRD READING
(by Homer, Keel, et al.)

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.

Amendment No. 1

Representative Homer offered the following amendment to **HB 156**:

Amend **HB 156** on third reading by striking SECTION 5 of the bill and substituting the following:

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 156, as amended, was passed by (Record 222): 147 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, 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; 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, Excused — Ramsay.

HB 59 ON THIRD 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.

HB 73 ON THIRD 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.

HB 1475 ON THIRD READING
(by Kitchen, McCall, Oliveira, Menendez, and Chavez)

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

HB 1475 was passed.

HB 2812 ON THIRD 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.

HB 2812 was passed.

HB 2813 ON THIRD 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.

HB 2123 ON THIRD 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.

HB 2123 was passed.

HB 2853 ON THIRD 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.

A record vote was requested.

HB 2853 was passed by (Record 223): 138 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; Christian;

Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Geren; Giddings; Glaze; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; 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; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Seaman; Shields; Smith; Smithee; Solis; Solomons; 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, Excused — Ramsay.

Absent — Chisum; Corte; Denny; Flores; Goodman; Hartnett; Hilbert; Salinas; Swinford.

HB 2006 ON THIRD READING
(by Naishtat, Madden, and Coleman)

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

HB 2006 was passed.

HB 2391 ON THIRD READING
(by B. Turner)

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

HB 2391 was passed.

HB 2007 ON THIRD 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.

HB 2007 was passed.

HB 1669 ON THIRD READING
(by B. Turner)

HB 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.

HB 1669 was passed.

HB 2463 ON THIRD 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.

A record vote was requested.

HB 2463 was passed by (Record 224): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; 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.; 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; Puente; 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, Excused — Ramsay.

Absent — Carter; Davis, Y.; Ehrhardt; Goodman; Junell; Pitts.

HB 2446 ON THIRD READING
(by Glaze, et al.)

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

Amendment No. 1

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

Amend **HB 2446** on 3rd reading by amending Section 771.105, Health and Safety Code, as added by the Dunnam amendment, by striking the text of the section in its entirety and replacing it with the following text:

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. The department is also authorized to seek grant funding for the pilot program. The provisions in this Subchapter which require the department to establish, conduct, and evaluate the pilot program are contingent on the department receiving funding in accordance with this section.

Amendment No. 1 was adopted without objection.

HB 2446, as amended, was passed.

POSTPONED BUSINESS

The following bill was laid before the house as postponed business:

CSHB 740 ON SECOND READING (by Dutton)

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

The vote by which **CSHB 740** failed to pass to engrossment was reconsidered earlier today, postponed until 1:00 p.m. and again postponed until this time.

Representative Clark moved to table **CSHB 740**.

A record vote was requested.

The motion to table was lost by (Record 225): 66 Yeas, 78 Nays, 2 Present, not voting.

Yeas — Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Christian; Clark; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Elkins; George; Glaze; Goodman; Goolsby; Green; Grusendorf; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Junell; Keel; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Madden; Marchant; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Pitts; Reyna, E.; Ritter; Seaman; Smith; Solomons; Talton; Truitt; West; Williams; Wohlgemuth; Woolley.

Nays — Alexander; Bailey; Bosse; Burnam; Capelo; Chavez; Chisum; Coleman; Cook; Counts; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; Giddings; Gray; Gutierrez; Haggerty; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Jones, J.; King, T.; 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.; Sadler; Salinas; Shields; Smithee; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; Wilson; Wise; Wolens; Yarbrough; Zbranek.

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

Absent, Excused — Ramsay.

Absent — Corte; Geren; McCall.

STATEMENTS OF VOTE

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted no.

Corte

When Record No. 225 was taken, I was in the house but away from my desk. I would have voted yes.

Geren

CSHB 740 was passed to engrossment. (Denny, Keel, Merritt, and E. Reyna recorded voting no)

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 820 ON SECOND READING
(by Giddings)**

CSHB 820, A bill to be entitled An Act relating to the number of qualified businesses designated as enterprise projects in certain municipalities.

Representative Giddings moved to postpone consideration of **CSHB 820** until 10 a.m. Monday, April 30.

The motion prevailed.

**HB 399 ON SECOND READING
(by Giddings, Dutton, McCall, Olivo, and S. Turner)**

HB 399, A bill to be entitled An Act relating to prohibiting the legislature from meeting on Martin Luther King, Jr., Day.

HB 399 was passed to engrossment.

**HB 1209 ON SECOND READING
(by Williams)**

HB 1209, A bill to be entitled An Act relating to the uncorroborated testimony of victims of certain sexual offenses.

HB 1209 was passed to engrossment.

**CSHB 3136 ON SECOND READING
(by Hilbert)**

CSHB 3136, A bill to be entitled An Act relating to the statute of limitations for persons seeking damages from injury or loss caused by an error in a survey.

CSHB 3136 was passed to engrossment.

LEAVES OF ABSENCE GRANTED

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

Pickett on motion of Hawley.

Cook on motion of Hawley.

GENERAL STATE CALENDAR
(consideration continued)

HB 2639 ON SECOND READING
(by Dutton)

HB 2639, A bill to be entitled An Act relating to the inclusion of an incarcerated person in the population data used for redistricting according to the person's last residence before incarceration.

LEAVES OF ABSENCE GRANTED

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

Hilbert on motion of Merritt.

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

Corte on motion of Denny.

HB 2639 - (consideration continued)

A record vote was requested.

HB 2639 failed to pass to engrossment by (Record 226): 48 Yeas, 91 Nays, 3 Present, not voting.

Yeas — Bailey; Bosse; Burnam; Chavez; Coleman; Danburg; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Flores; Gallego; Garcia; Giddings; Gutierrez; Hinojosa; Hochberg; Hodge; Jones, J.; Lewis, G.; Longoria; Luna; Martinez Fischer; Maxey; McClendon; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Puente; Rangel; Sadler; Solis; Thompson; Tillery; Turner, S.; Uresti; Villarreal; Wise; Wolens; Yarbrough.

Nays — Alexander; Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Carter; Chisum; Christian; Clark; Counts; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Driver; Dunnam; Elkins; Ellis; Farabee; George; Geren; Glaze; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Najera; Nixon; Pitts; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Solomons; Swinford; Talton; Telford; Truitt; Turner, B.; Walker; West; Williams; Wohlgenuth; Woolley; Zbranek.

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

Absent, Excused — Cook; Corte; Hilbert; Pickett; Ramsay.

Absent — Gray; Salinas; Wilson.

CSHB 2103 ON SECOND READING
(by Dutton)

CSHB 2103, A bill to be entitled An Act relating to allowing a grandparent to receive financial assistance benefits on behalf of a dependent child in certain situations.

Amendment No. 1

Representatives Chisum and Dutton offered the following amendment to **CSHB 2103**:

Amend **CSHB 2103** to read as follows:

On Page 1, Line 18, strike, "and the child's parent".

Amendment No. 1 was adopted without objection.

CSHB 2103, as amended, was passed to engrossment.

HB 1591 ON SECOND READING
(by Kitchen)

HB 1591, A bill to be entitled An Act relating to reporting and certification of Medicaid managed care encounter data.

HB 1591 was passed to engrossment.

CSSB 577 ON SECOND READING
(Driver, Hawley, Solomons, Berman, and Uresti - House Sponsors)

CSSB 577, A bill to be entitled An Act relating to driving privileges of drivers under 18 years of age.

CSSB 577 was considered in lieu of **HB 432**.

Amendment No. 1

Representative Driver offered the following amendment to **CSSB 577**:

Amend **CSSB 577** at the end of SECTION 4 of the bill (Committee printing, page 4, between lines 8 and 9) by inserting:

(d) A peace officer may not stop a vehicle or detain the operator of a vehicle for the sole purpose of determining whether the operator of the vehicle has violated this section.

Amendment No. 1 was adopted without objection.

CSSB 577, as amended, was passed to third reading. (Chisum and Swinford recorded voting no)

HB 432 - LAID ON THE TABLE SUBJECT TO CALL

Representative Driver moved to lay **HB 432** on the table subject to call.

The motion prevailed without objection.

(Speaker in the chair)

CSHB 1071 ON SECOND READING
(by Farabee and Uher)

CSHB 1071, A bill to be entitled An Act relating to certain procedures used to deal with a criminal defendant suspected of having a mental illness or mental retardation.

Amendment No. 1

Representative Farabee offered the following amendment to **CSHB 1071**:

Amend **CSHB 1017** as follows:

(1) On page 4, line 23, strike "The change" and substitute "Except as provided by Section __, amending Section 51.20(a), Family Code, the change".

(2) Add the following appropriately numbered SECTIONS to read as follows and renumber existing SECTIONS accordingly:

SECTION ____. Sections 3(a), (b), and (f), Article 46.02, Code of Criminal Procedure, are amended to read as follows:

(a) At any time the issue of the defendant's incompetency to stand trial is raised, the court may, on its own motion or motion by the defendant, his counsel, or the prosecuting attorney, appoint the local mental health or mental retardation authority or other disinterested experts experienced and qualified in mental health or mental retardation to examine the defendant with regard to his competency to stand trial and to testify at any trial or hearing on this issue.

(b) The court may order any defendant to submit to examination for the purposes described in this article. If the defendant is free on bail, the court in its discretion may order him to submit to examination. If the defendant fails or refuses to submit to examination, the court may order him to submit to [custody for] examination in a mental health facility determined to be appropriate by the local mental health or mental retardation authority for a reasonable period not to exceed 21 days. The court may [~~not~~] order a defendant to a facility operated by the Texas Department of Mental Health and Mental Retardation for examination only on request of the local mental health or mental retardation authority and with [without] the consent of the head of the [that] facility [or for a period exceeding 21 days]. If a defendant who has been ordered to a facility operated by Texas Department of Mental Health and Mental Retardation for examination remains in such facility for a period of time exceeding 21 days, the head of that facility shall cause the defendant to be immediately transported to the committing court and placed in the custody of the sheriff of the county in which the committing court is located. That county shall reimburse the Texas Department of Mental Health and Mental Retardation facility for the mileage and per diem expenses of the personnel required to transport the defendant calculated in accordance with the state travel regulations in effect at the time.

(f) The local mental health or mental retardation authority or other appointed experts shall be paid by the county in which the indictment was returned or information was filed. A facility [~~operated by the Texas Department of Mental Health and Mental Retardation~~] which accepts a defendant for examination under [~~Subsection (a) of~~] this section shall be reimbursed by the county in which the indictment was returned or information was filed for such expenses incurred as are determined by the department to be reasonably necessary and incidental to the proper examination of the defendant.

SECTION ____. Section 5(a), Article 46.02, Code of Criminal Procedure, is amended to read as follows:

(a) When a defendant has been determined incompetent to stand trial for a [any] felony or [for a] misdemeanor because of mental illness or mental retardation, and absent a determination that there is no substantial probability that the defendant will attain competency to stand trial in the foreseeable future,

the court shall determine whether the conduct committed by the defendant involved an act, attempt, or threat of serious bodily injury to another person. If the court determines that the defendant's conduct involved an act, attempt, or threat of serious bodily injury to another person, the court shall enter an order committing the defendant to the maximum security unit of any facility designated by the Texas Department of Mental Health and Mental Retardation, to an agency of the United States operating a mental hospital, or to a Veterans Administration hospital for a period not to exceed 18 months. If the court determines that the defendant's conduct did not involve an act, attempt, or threat of serious bodily injury to another person [~~When a defendant has been determined incompetent to stand trial for a misdemeanor because of mental illness, and absent a determination that there is no substantial probability that the defendant will attain competency to stand trial in the foreseeable future,~~], the court shall enter an order committing the defendant to a [the] mental health facility determined to be appropriate by the local mental health or mental retardation authority [~~designated by the Commissioner of Mental Health and Mental Retardation to serve the catchment area in which the committing court is located~~] for a period not to exceed 18 months. On request of the local mental health or mental retardation authority, the court may enter an order committing the defendant to a facility operated by the Texas Department of Mental Health and Mental Retardation. An order issued under this subsection shall also place the defendant in the custody of the sheriff for transportation to the facility to be confined in the facility for further examination and treatment toward the specific objective of attaining competency to stand trial. The court shall order that a transcript of all medical testimony received by the jury be forthwith prepared by the court reporter and that the transcript, together with a statement of the facts and circumstances surrounding the alleged offense, shall accompany the patient to the facility.

SECTION __. (a) Section 51.20(a), Family Code, is amended to read as follows:

(a) At any stage of the proceedings under this title, the juvenile court may order a child who is referred to the juvenile court or who is alleged by a petition or found to have engaged in delinquent conduct or conduct indicating a need for supervision to be examined by the local mental health or mental retardation authority or another [~~an~~] appropriate expert, including a physician, psychiatrist, or psychologist.

(b) This section applies to an examination of a child under the jurisdiction of the juvenile court as provided by Section 51.20, Family Code, as amended by this section, that takes place on or after the effective date of this Act, without regard to whether the child was first placed under the jurisdiction of the juvenile court before, on, or after that date.

Amendment No. 1 was adopted without objection.

CSHB 1071, as amended, was passed to engrossment.

CSHB 1072 ON SECOND READING
(by Farabee)

CSHB 1072, A bill to be entitled An Act relating to authorizing a peace

officer or health officer to take into custody, detain, and return to a treatment facility a patient or client under a court order for treatment at the facility.

CSHB 1072 was passed to engrossment.

CSHB 915 ON SECOND READING
(by Gray, F. Brown, Eiland, et al.)

CSHB 915, A bill to be entitled An Act relating to bulk purchasing of prescription drugs by certain state agencies.

Amendment No. 1

Representative Gray offered the following amendment to **CSHB 915**:

Amend **CSHB 915** as follows:

- (1) On page 1, line 12, strike ":",
- (2) On page 1, strike lines 13-24, and substitute the following:
an officer or employee from each of the following agencies, appointed by the administrative head of that agency:
 - (1) the Texas Department of Health;
 - (2) the Texas Department of Mental Health and Mental Retardation;
 - (3) the Correctional Managed Health Care Committee;
 - (4) the Employees Retirement System of Texas;
 - (5) the Teacher Retirement System of Texas; and
 - (6) any other agency that purchases pharmaceuticals designated by the commissioner of health and human services.
- (3) On page 2, line 21, strike "or retailer" and substitute ", retailer, or manufacturer".
- (4) On page 3, line 3, between "including" and "expanding", insert "rebate programs".
- (5) On page 3, strike lines 8-12, and substitute the following:
 - (2) make recommendations regarding drug utilization review, prior authorization, the use of restrictive formularies, the use of mail order programs, and copayment structures to member agencies.
- (6) On page 3, between lines 12 and 13, insert the following:
 - (e) The council may enter into agreements with a local governmental entity to purchase pharmaceuticals for the local governmental entity.
 - (f) The council shall develop procedures under which the council may disclose information relating to the prices that manufacturers or wholesalers charge for pharmaceuticals by category of pharmaceutical. The council may not disclose information that identifies a specific manufacturer or wholesaler or the prices charged by a specific manufacturer or wholesaler for a specific pharmaceutical.
- (7) On page 3, line 18, between "drug" and "that", insert ", including a person that manufactures a generic drug".
- (8) On page 3, line 27, after ":", insert "The attorney general may take action to enforce this section.
- (e) The department shall report the information collected under Subsection (b) to the Interagency Council on Pharmaceuticals Bulk Purchasing.
- (9) On page 4, strike lines 5-9, and substitute the following:

shall file with the department information showing the actual price at which the wholesale distributor sells each drug to a retail pharmacy.

(b) The department shall adopt rules to implement this section, including rules relating to how often a wholesale distributor is required to provide the information.

(10) On page 4, line 12, after ":", insert "The attorney general may take action to enforce this section.

(d) The department shall report the information collected under Subsection (a) to the Interagency Council on Pharmaceuticals Bulk Purchasing."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Janek offered the following amendment to **CSHB 915**:

Amend **CSHB 915** as follows:

(1) On page 1, line 7, of the bill, strike the word "Interagency" and insert the word "Advisory".

(2) On page 1, line 10, of the bill, strike the word "Interagency" and insert the word "Advisory".

(3) On page 1, line 11, of the bill, strike the "Interagency" and insert the word "Advisory".

(4) On page 1, line 13, Sec. 110.002 (1), of the bill, strike the words "or employee".

(5) In Section 110.002, of the bill, insert the following subsection:

"(3) The Governor with the advice and consent of the Senate, shall appoint four citizen members as follows:

(A) A licensed physician;

(B) A licensed pharmacist;

(C) A representative from the pharmaceutical industry; and

(D) A consumer advocate."

Amendment No. 3

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

Amend the Janek amendment to **CSHB 915** as follows:

(1) On page 1, line 15, strike "(C) A representative from the pharmaceutical industry:".

(2) On page 1, line 16, strike "(D)" and substitute "(C)".

Amendment No. 3 was adopted without objection.

Representative Gray moved to table Amendment No. 2.

The motion to table prevailed.

CSHB 915, as amended, was passed to engrossment.

CSHB 2378 ON SECOND READING (by Kuempel)

CSHB 2378, A bill to be entitled An Act relating to the cigarette tax and providing a penalty.

CSHB 2378 was passed to engrossment.

HB 819 ON SECOND READING**(by Counts, Swinford, Hawley, Wise, McCall, et al.)**

HB 819, A bill to be entitled An Act relating to transfer of the Office of Rural Affairs to the Department of Agriculture.

HB 819 was passed to engrossment.

HB 178 ON SECOND READING**(by Luna, Hinojosa, and Keel)**

HB 178, A bill to be entitled An Act relating to longevity pay for certain assistant prosecutors.

HB 178 was passed to engrossment.

CSHB 1640 ON SECOND READING**(by Rangel)**

CSHB 1640, A bill to be entitled An Act relating to the establishment of a school of pharmacy at Texas A&M University—Kingsville.

Amendment No. 1

Representative Rangel offered the following amendment to **CSHB 1640**:

Amend **CSHB 1640** by striking SECTION 3 (page 1, line 21) and substituting the following:

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

CSHB 1640, as amended, was passed to engrossment. (Chisum and Geren recorded voting no)

CSHB 1369 ON SECOND READING**(by Delisi and Maxey)**

CSHB 1369, A bill to be entitled An Act relating to requiring reports from the Health and Human Services Commission about the state Medicaid program.

Representative Delisi moved to postpone consideration of **HB 1369** until 10 a.m. Monday, April 30.

The motion prevailed without objection.

HB 1941 ON SECOND READING**(by Delisi, Hawley, Hunter, Noriega, et al.)**

HB 1941, A bill to be entitled An Act relating to allowing certain family members of military personnel who previously resided in Texas to pay resident tuition and fees at institutions of higher education.

HB 1941 was passed to engrossment.

HB 1902 ON SECOND READING
(by S. Turner)

HB 1902, A bill to be entitled An Act relating to the re-creation of the system benefit fund as a dedicated account and to the use of the account.

Representative Bosse moved to postpone consideration of **HB 1902** until 10 a.m. Monday, April 30.

The motion prevailed without objection.

CSHB 1676 ON SECOND READING
(by Burnam, et al.)

CSHB 1676, A bill to be entitled An Act relating to health benefit plan coverage for certain benefits related to brain injury or neurological disease.

Amendment No. 1

Representative Burnam offered the following amendment to **CSHB 1676**:

Amend **CSHB 1676** as follows:

- (1) On page 1, after line 24, insert the following:
(6) a Lloyd's plan operating under Chapter 18 of this code;
- (2) On page 2, line 1, strike "(6)" and substitute "(7)".
- (3) On page 2, line 4, strike "(7)" and substitute "(8)".
- (4) On page 2, line 6, strike "(8)" and substitute "(9)".
- (5) On page 2, line 13, between "another limited benefit" and the semicolon, insert "other than an accident policy".
- (6) On page 3, line 17, between "copayments." and "or annual", insert "coinsurance.".
- (7) On page 3, line 18, between "copayments." and "and annual", insert "coinsurance.".
- (8) Add the following appropriately numbered SECTION and renumber existing SECTIONS of the bill appropriately:
SECTION __. (a) On or before September 1, 2006, the Sunset Advisory Commission shall conduct a study to determine:
 - (1) to what extent the health benefit plan coverage required by Article 21.53Q, Insurance Code, as added by this Act, is being used by enrollees in health benefit plans to which that article applies; and
 - (2) the impact of the required coverage on the cost of those health benefit plans.
- (b) The Sunset Advisory Commission shall report its findings under this section to the legislature on or before January 1, 2007.
- (c) The Texas Department of Insurance and any other state agency shall cooperate with the Sunset Advisory Commission as necessary to implement this section.
- (d) This section expires September 1, 2007.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Burnam offered the following amendment to **CSHB 1676**:

Amend **CSHB 1676** as follows:

(1) On page 3, line 22, between "REQUIRED." and "The", insert the following:

(a) In this section, "preauthorization" means the provision of a reliable representation to a physician or health care provider of whether the issuer of a health benefit plan will pay the physician or provider for proposed medical or health care services if the physician or provider renders those services to the patient for whom the services are proposed. The term includes precertification, certification, recertification, or any other activity that involves providing a reliable representation by the issuer of a health benefit plan to a physician or health care provider.

(b)

(2) On page 3, line 25, strike "precertification or".

(2) On page 3, line 26, strike "management" and substitute "review".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Seaman offered the following amendment to **CSHB 1676**:

Amend **CSHB 1676**, SECTION 1, Sec. 2, page 3, lines 8-15, to read as follows:

"Sec. 2. EXCLUSION OF COVERAGE PROHIBITED. (a) A health benefit plan may not exclude coverage for cognitive rehabilitation therapy, cognitive communication therapy, neurocognitive therapy and rehabilitation, neurobehavioral, neurophysiological, neuropsychological and psychophysiological testing or treatment, neurofeedback therapy, remediation, post-acute transition services, or community reintegration services necessary as a result of and related to an acquired brain injury."

Amendment No. 3 was adopted without objection.

CSHB 1676, as amended, was passed to engrossment.

CSHB 1691 ON SECOND READING **(by Maxey, Gallego, Keel, Uher, Eiland, et al.)**

CSHB 1691, A bill to be entitled An Act relating to the Texas Council on Purchasing from People with Disabilities.

Amendment No. 1

Representative Maxey offered the following amendment to **CSHB 1691**:

Amend **CSHB 1691** on page 3, line 7, by adding the following subsection (d):

(d) The Council shall make reasonable attempts to have balanced representation on all advisory committees, including attempting to seek representation from:

(1) the Lighthouse for the Blind community rehabilitation programs;

(2) the Goodwill community rehabilitation programs;

(3) the Texas Department of Mental Health and Mental Retardation community rehabilitation program;

- (4) other community rehabilitation programs;
- (5) representatives from central nonprofit agencies;
- (6) representatives of disability advocacy groups;
- (7) government purchasing agents with knowledge of this chapter;
- (8) private industry representatives with knowledge of this chapter;

and

(9) private citizens who have a disability and have knowledge of the sale of products of the sale of products and services.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Maxey offered the following amendment to **CSHB 1691**:

Amend **CSHB 1691** on page 5, line 21 by adding the following Subsection (a)(5):

(5) recruit and assist qualified nonprofit organizations that are managed by members of racial minorities, women, or persons with disabilities and that are in process of qualifying as community rehabilitation programs.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Hilderbran offered the following amendment to **CSHB 1691**:

Amend **CSHB 1691** (House Committee Report) by striking page 1, line 5, through page 2, line 9, and substituting the following:

SECTION 1. Section 122.003(a), Human Resources Code, is amended to read as follows:

(a) The Texas Council on Purchasing from People with Disabilities is composed of the following members who are appointed by the governor with the advice and consent of the senate:

(1) three private citizens, at least one of whom must be a person with a disability, who are conversant with the employment needs of persons with disabilities, including blindness, and who have [with] current experience in the pricing and marketing of goods and services;

(2) three representatives, at least one of whom must be a person with a disability, of community rehabilitation programs that represent different disability groups, including persons with blindness, and that provide or seek to provide products produced or services performed by persons with disabilities; and

(3) three representatives, at least one of whom must be a person with a disability, of state agencies or political subdivisions that purchase a significant amount of products produced or services performed by persons with disabilities.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Edwards offered the following amendment to **CSHB 1691**:

Amend **CSHB 1691** (House Committee Report) on page 2 by striking lines 12-18 and substituting the following:

Sec. 122.0055. COUNCIL STAFF AND LEGAL SUPPORT. (a) The council may employ a limited staff of not more than two full-time employees to provide administrative support to the council and to fulfill the reporting requirements of Section 122.022.

(b) The office of the attorney general shall provide legal support to the council.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Edwards offered the following amendment to **CSHB 1691**:

Amend **CSHB 1691** (House Committee Report) as follows:

(1) On page 3, between lines 6 and 7, insert the following appropriately numbered SECTION of the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION 2. Section 122.009, Human Resources Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) To meet the reporting requirements of Section 122.022, the council may access financial information and other information relating specifically to state purchases from the central nonprofit agency or a community rehabilitation program.

(e) The council may not disclose to any third party information provided under Subsection (d) that may be subject to an exception to required disclosure under Chapter 552, Government Code, unless the central nonprofit agency or the community rehabilitation program from which the information was obtained grants permission in accordance with the provisions of that chapter.

(2) On page 7, line 8, through page 8, line 5, strike SECTION 9 of the bill and renumber the subsequent SECTIONS of the bill appropriately.

Representative Maxey moved to table Amendment No. 5.

The motion to table prevailed.

Amendment No. 6

Representative Maxey offered the following amendment to **CSHB 1691**:

Amend **CSHB 1691** as follows:

(1) On page 4, line 10, strike "Subsections (c) and (d)" and substitute "Subsection (c)".

(2) Strike page 4, line 27, through page 5, line 2.

(3) On page 5, line 5, strike "(g) and (h)" and substitute "(g), (h), and (i)".

(4) On page 5, line 7, strike "competitive bidding process or a".

(5) On page 6, between lines 24 and 25, insert the following:

(i) A person may not operate a community rehabilitation program and at the same time contract with the council as a central nonprofit agency.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Edwards offered the following amendment to **CSHB 1691**:

Amend **CSHB 1691** (House Committee Printing) as follows:

(1) On page 4, line 10, strike "Subsections (c) and (d)" and substitute "Subsections (c), (d), and (e)".

(2) On page 5, between lines 2 and 3, insert the following:

(e) The council may not adopt rules requiring a person, as a condition of eligibility to participate in a program under this chapter, to be the manufacturer or the owner of property offered in connection with services or equipment rental.

Representative Gallego moved to table Amendment No. 7.

The motion to table prevailed.

CSHB 1691, as amended, was passed to engrossment.

HB 1094 - VOTE RECONSIDERED

Representative Madden moved to reconsider the vote by which **HB 1094** was passed.

The motion to reconsider prevailed.

HB 1094 ON THIRD READING **(by Gray, Flores, Kitchen, et al.)**

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

HB 1094 was read third time earlier today and was passed by Record Vote No. 218.

A record vote was requested.

HB 1094 was passed by (Record 227): 145 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; Corte; Counts; Crabb; Craddock; 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; Pitts; Puente; 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).

Absent, Excused — Cook; Hilbert; Pickett; Ramsay.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Redistricting, upon final recess today, E1.004, extension auditorium, for a public hearing.

Juvenile Justice and Family Issues, Subcommittee on **HB 1767**, upon final recess today, E2.024, for a work session, to consider **HB 1767**.

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

Land and Resource Management, upon final recess today, Desk 107, for a formal meeting, to consider pending business.

Ways and Means, upon final recess today, Desk 61, for a formal meeting, to consider pending business.

Judicial Affairs, upon final recess today, Desk 67, for a formal meeting, to consider **HB 3694** and pending business.

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.)

RECESS

Representative Giddings moved that the house recess until 8:30 a.m. tomorrow in memory of Dr. Leon Sullivan, civil rights crusader and founder of OIC.

The motion prevailed without objection.

The house accordingly, at 6:02 p.m., recessed until 8:30 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HCR 260 (By Hilderbran), Honoring the Texas Arts and Crafts Educational Foundation, Inc., for its significant contributions to the advancement of the arts in Texas.

To Rules & Resolutions.

HR 872 (By Hilderbran), In memory of Darrell G. Lochte of Kerrville.
To Rules & Resolutions.

HR 874 (By Y. Davis), Recognizing May 12, 2001, as Duncanville Police Appreciation Day.

To Rules & Resolutions.

HR 875 (By Smith), Honoring Vivagene Copeland of Hurst on her retirement from the Hurst City Council.

To Rules & Resolutions.

HR 876 (By Keel), Honoring the American Council of Young Political Leaders for its significant contributions and service as a goodwill ambassador for the United States.

To Rules & Resolutions.

HR 877 (By Keel), In memory of Ernest Montgomery of Austin.

To Rules & Resolutions.

SB 311 to State Affairs.

SB 372 to Pensions & Investments.

SB 465 to Transportation.

SB 471 to Financial Institutions.

SB 796 to State Affairs.

SB 914 to Higher Education.

SB 1045 to Public Health.

SB 1156 to Public Health.

SB 1167 to County Affairs.

SB 1308 to County Affairs.

SB 1309 to Elections.

SB 1315 to Ways & Means.

SB 1398 to Land & Resource Management.

SJR 35 to Redistricting.

SIGNED BY THE SPEAKER

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

House List No. 37

HB 1362, HCR 258

Senate List No. 17

SB 404, SB 487

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, April 26, 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 129 Duncan

Relating to the appointment and nonpartisan retention or rejection of appellate justices and judges and to elimination of a straight-party vote in connection with district judges.

SB 478 West, Royce

Relating to certain children suspected of conduct that violates a penal law who are taken into possession in an emergency without a court order by the Department of Protective and Regulatory Services.

SB 520 Shapleigh

Relating to the annual report by the Commission on Human Rights concerning certain hiring practices.

SB 894 Moncrief

Relating to bulk purchasing of prescription drugs by certain state agencies.

SB 944 Van de Putte

Relating to the contracting authority of certain hospital districts to enter into or modify a tax abatement agreement.

SB 1053 Shapleigh

Relating to rates and expenditures under the Medicaid and state child health plan programs in the Texas-Mexico border region.

SB 1064 Staples

Relating to adoption services of the Department of Protective and Regulatory Services with respect to sibling groups.

SB 1390 Brown, J. E. "Buster"

Relating to the penalties for operating certain facilities without obtaining a permit under the Texas Clean Air Act.

SB 1705 Van de Putte

Relating to the election of school district trustees from single-member districts.

SB 1780 Lindsay

Relating to a sheriff's appeal to a district court of a decision by a civil service commission.

SJR 3 Duncan

Proposing a constitutional amendment providing for gubernatorial appointment to fill vacancies in the offices of appellate justices and judges and for nonpartisan retention elections for those justices and judges.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, April 26, 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:

LOCAL AND UNCONTESTED CALENDAR

HB 120 West, George "Buddy" SPONSOR:Duncan
Relating to student intercollegiate athletic fees at The University of Texas of the Permian Basin.

HB 753 Hochberg SPONSOR:Ellis, Rodney
Relating to the degree-granting authority of The University of Texas M. D. Anderson Cancer Center.

HB 782 Tillery SPONSOR:Carona
Relating to the ability of a development corporation to receive funding from a municipality.

HB 1569 Yarbrough SPONSOR:Brown, J. E. "Buster"
Relating to a firefighters' relief and retirement fund in certain municipalities.

HB 1573 Thompson SPONSOR:Gallegos
Relating to the establishment of a retirement system for officers and employees of certain municipalities and of the retirement system and the transfer of credit from one retirement system to the established system.

HB 1619 Jones, Jesse SPONSOR:Carona
Relating to authorizing county purchasing agents to establish a county purchasing card program.

SB 56 Zaffirini

Relating to creating a presumption regarding a person's alcohol concentration level for purposes of the administrative suspension of the person's driver's license.

SB 57 Zaffirini

Relating to the period of the suspension of a driver's license on refusal to give a specimen of the person's breath or blood.

SB 58 Zaffirini

Relating to the information provided by a peace officer to a person arrested for certain alcohol-related offenses.

SB 275 Shapleigh

Relating to requiring information from the comptroller of public accounts about state and local activities relating to economic development.

SB 379 Gallegos

Relating to conditions of employment for peace officers employed by certain rapid transit authorities.

SB 440 Madla

Relating to the regulation of certain health benefit plans.

SB 700 Ellis, Rodney

Relating to the suspension of a license for failure to comply with the terms of a court order providing for the possession of or access to a child.

SB 776 Harris

Relating to the collection of accrued interest on child support arrearages; providing a penalty.

SB 828 Lindsay

Relating to the continuation of and to the grant-making authority of the On-site Wastewater Treatment Research Council.

SB 869 Lindsay

Relating to incapacitated persons, wards, and proposed wards.

SB 932 Carona

Relating to the prosecution of the offense of indecency with a child.

SB 954 Barrientos

Relating to the jurisdiction of and procedure in a county court at law in Travis County.

SB 985 Duncan

Relating to authorizing the governing body of a municipality to enter into a tax abatement agreement with the owner of a leasehold interest in real property that is located in a reinvestment zone.

SB 988 Duncan

Relating to commissions on certain negotiated bond sales.

SB 998 Madla

Relating to the alternative certification requirements for certain public school teachers.

SB 1033 Ellis, Rodney

Relating to the fee for reinstatement or issuance of certain suspended or denied driver's licenses.

SB 1036 Zaffirini

Relating to the election dates for directors of the Bee Groundwater Conservation District.

SB 1041 Ellis, Rodney

Relating to services provided through telemedicine for children with special health care needs.

SB 1080 Moncrief

Relating to certain distressed or reconditioned food, drugs, devices, and cosmetics and certain licensed persons.

SB 1113 Cain

Relating to the application of the professional prosecutors law to and the compensation of the county attorney of Rains County.

SB 1175 Wentworth

Relating to the administration of the weather modification program and grants for weather modification and control activities.

SB 1189 Ellis, Rodney

Relating to an exemption from ad valorem taxation of property owned by nonprofit corporations that provide chilled water and steam to certain health-related institutions of this state.

SB 1207 Sibley

Relating to validating certain actions and the boundaries of the Acton Municipal Utility District.

SB 1213 Zaffirini

Relating to the appearance of a driver's license issued to a person who is under 21 years of age.

SB 1260 Shapleigh

Relating to the authority of the comptroller of public accounts to conduct performance reviews of general academic teaching institutions.

SB 1272 Bernsen

Relating to the designation of certain land that includes a greenhouse as agricultural land for ad valorem tax appraisal purposes.

SB 1293 Van de Putte

Relating to coordination of services provided by Head Start and Early Head Start program providers.

SB 1294 Van de Putte

Relating to the establishment of a pilot program by the Texas Workforce Commission to assist teachers in retaining employment in the field of child care.

SB 1299 Lucio

Relating to the creation and duties of a task force on rate-setting methodologies for the Medicaid and state child health plan programs.

- SB 1302** Cain
Relating to municipal elections for the conveyance of certain park land.
- SB 1331** Brown, J. E. "Buster"
Relating to reporting requirements regarding certain clothes-washing machines.
- SB 1386** Armbrister
Relating to the provision of mental health and mental retardation services.
- SB 1446** Van de Putte
Relating to severance payments to superintendents of independent school districts.
- SB 1524** Van de Putte
Relating to notice requirements for certain applicants for certain alcoholic beverage licenses and permits.
- SB 1535** Madla
Relating to effective dates for municipal tax abatements.
- SB 1598** Wentworth
Relating to the reorganization of a mutual life insurance company.
- SB 1632** Bernsen
Relating to municipalities that are exempt from giving security for court costs.
- SB 1656** Sibley
Relating to the duties and responsibilities of the Council on Workforce and Economic Competitiveness.
- SB 1658** Sibley
Relating to production of documents in response to an investigation by the Texas Department of Insurance.
- SB 1677** Jackson
Relating to the applicability of provisions governing the powers of property owners associations concerning restrictive covenants in certain subdivisions.
- SB 1684** Jackson
Relating to removal of malt liquor, ale, and beer from the premises of a holder of a mixed beverage permit and a brewpub license.
- SB 1708** Van de Putte
Relating to certain subdivision improvements and the bond requirements for certain subdivision improvements.
- SB 1710** Van de Putte
Relating to requirements regarding and terms of local tax abatement agreements.
- SB 1711** Van de Putte
Relating to allowing taxing units to enter into tax abatement agreements with the owners of leasehold interests.
- SB 1726** Cain
Relating to employment contract requirements for certain public school teachers.
- SB 1727** Cain
Relating to staff development provided by school districts.

SB 1731 Cain

Relating to the career and technology education programs of public schools.

SB 1736 Cain

Relating to the waiver of penalties and interest if an error of a taxing unit or appraisal district results in failure to pay an ad valorem tax.

SB 1737 Cain

Relating to a property owner's right to inspect and copy records and information used to appraise the owner's property for ad valorem tax purposes.

SB 1740 Cain

Relating to requirements for establishing a warehouseman's lien.

SB 1758 Zaffirini

Relating to the boundaries of the Beeville Water Supply District.

SB 1759 Armbrister

Relating to the issuance and sale of and security and payment for public securities.

SB 1771 Armbrister

Relating to the creation, administration, powers, duties, operation, and financing of Hays County Water Control and Improvement District No. 3.

SB 1772 Bernsen

Relating to the boundaries and operation of the East Montgomery County Improvement District.

SB 1773 Bernsen

Relating to the creation of the Port Bolivar Improvement District; providing authority to impose a tax and issue bonds.

SB 1775 Lindsay

Relating to the creation, administration, powers, duties, operation, and financing of the Harris County Municipal Utility District No. 386.

SB 1776 Lindsay

Relating to the creation, administration, powers, duties, operation, and financing of the Harris County Municipal Utility District No. 387.

SB 1777 Lindsay

Relating to the creation, administration, powers, duties, operation, and financing of the Harris County Municipal Utility District No. 388.

SB 1781 Bivins

Relating to the appointment of a public defender by the Commissioners Court of Potter County.

SB 1782 Shapiro

Relating to the creation of the Frisco Square Management District; providing the authority to impose a tax and issue bonds.

SB 1784 Bernsen

Relating to the creation, administration, powers, duties, operation, and financing of the East Montgomery County Municipal Utility District No. 3.

SB 1789 Bivins

Relating to the appointment of a public defender by the Commissioners Court of Randall County.

SB 1792 Ogden

Relating to the Natural Gas Policy Act application fee.

SB 1800 Brown, J. E. "Buster"

Relating to the transfer of records of the office of the lieutenant governor.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, April 26, 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 PASSED THE FOLLOWING MEASURES:

HB 271 Berman SPONSOR: Truan

Relating to the ineligibility of certain veterans to receive benefits under the Veterans' Land Program and the Veterans' Housing Assistance Program.

HB 360 Wise SPONSOR: Zaffirini

Relating to the abuse of a child.
(AMENDED)

HB 477 Naishtat SPONSOR: Zaffirini

Relating to the establishment of an interagency plan for coordinating case management services for certain recipients of financial assistance.

HB 675 Walker SPONSOR: Staples

Relating to the selection and training of certain officers of certain water districts.
(COMMITTEE SUBSTITUTE)

HB 1130 Rangel SPONSOR: Barrientos

Relating to the exemption of certain educational aides from the payment of tuition and fees at institutions of higher education and to the employment of those aides.
(AMENDED)

HB 1545 Uher SPONSOR: Bivins
 Relating to the operation, regulation, administration, and financing of public institutions of higher education.
 (COMMITTEE SUBSTITUTE/AMENDED)

HB 1754 Gutierrez SPONSOR: Van de Putte
 Relating to the effect of redistricting by a junior college district on the terms of the current members of the district's board of trustees.

HCR 11 Wise SPONSOR: Shapleigh
 Conferring the Texas Legislative Medal of Honor on Master Sergeant Roy P. Benavidez.

Respectfully,

Betty King
 Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 25

Business & Industry - **HB 2850**

Corrections - **HB 726**

County Affairs - **HCR 254, SB 969**

Criminal Jurisprudence - **HB 460, HB 1415, HB 1571, HB 1860, HB 2010**

Economic Development - **HB 567, SB 554**

Higher Education - **SB 743**

Human Services - **HB 43, SB 34, SB 368, SB 833**

Land & Resource Management - **HB 3410, HB 3548, SB 1185**

Public Education - **HB 970, HB 1291, HB 2414**

Public Health - **HB 1124, HB 1593, HB 2408, HB 2421, HCR 138, HCR 214, HCR 223, SB 94**

State, Federal & International Relations - **HCR 217, SB 1159, SCR 10, SCR 17, SCR 33, SCR 43**

Transportation - **HB 1681, SB 220**

Ways & Means - **HB 824, HB 1940, HB 2456, HB 2681, HB 2832, HB 2982, HB 3532**

ENGROSSED

April 25 - HB 196, HB 217, HB 363, HB 514, HB 1001, HB 1254,

**HB 1445, HB 1448, HB 1493, HB 1762, HB 2159, HB 2179, HB 2530,
HB 2586, HB 2600, HB 2604, HB 2972, HB 2991, HB 3054, HB 3121,
HB 3309, HB 3587, HJR 75**

ENROLLED

April 25 - HB 919, HB 1086, HB 1362

SENT TO THE GOVERNOR

April 25 - HB 919, HB 1086

