

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIFTH DAY — THURSDAY, MAY 3, 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 269).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; 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; 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.

Absent, Excused — Hilbert; Janek; Smithee.

The invocation was offered by Reverend Jeff Robinett, pastor, United Christian Presbyterian Church, Coleman, as follows:

Loving God, I give you thanks this day for all the blessings you have given to us. Especially, I thank you for the rain that has blessed our state after a long dry spell—rain which has caused the wild flowers to raise their colors, proclaiming your glory and your beauty, and which has even allowed the mesquite trees to look happy for a change. In addition, I thank you for the honor that is ours to live in the great State of Texas, which has been hallowed by both the well known and the unknown, who have lived lives of honor and dignity; lives both past and present, which continue to proclaim the value of the common person to the common good, as well as proclaiming to all the virtues of faith, truth, and hard work.

Today, we join with millions of other people of faith who are offering prayers for a moral awakening in this great land of ours. In all humility, we confess to you that this awakening is desperately needed. We ask you, O God, to write upon our hearts the things that are right and good and pleasing in your sight, and to cleanse us all of that which would lead us deeper into the depths of sin and despair. We confess to you, O Lord, our knowledge that most of the problems and issues that must be dealt with today by these servants, are the result of this moral laxity.

But even as we confess, we also acknowledge your promises to us. In your word, you said that, "When I shut up the heavens so that there is no rain, or command locusts to devour the land or send a plague among my people, if my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from heaven and will forgive their sin and will heal their land." (2 Chr 7:13-14 NIV) We know, Father, that the heavens are no longer closed. There is no plague and the rains have come. You have done your part, so now we come to you to do our part. We humble ourselves, and in prayer and in our hearts, turn away from our sin, and ask you to forgive us for all our sins and pray that you would truly heal this land and that you would heal us.

Heal our land and heal us from the misguided morality that allows us to use power to abuse both the land and our brothers and sisters, and that also leads us to believe that power and position is more important than prayer. Heal our land and heal us from the selfishness that causes us to seek our personal gain and glory at the expense of others, rather than of seeking that which is best for all and which glorifies you. Heal our land and heal us from our failure to know and to acknowledge the value of every person, from the greatest to the most ordinary, and to celebrate that which they can add to our lives. Heal our land and heal us from our failure to teach that faith in you is a virtue, and that truth and hard work and perseverance are the tools of victorious living. We confess that it is in our failure to teach, that many have been led to seek the easy way through life instead of the right way. Heal our land and heal us, O Lord, so that we may once again live lives that proclaim your glory and our praise to you.

I ask you this day to give these who are gathered, cleansed hearts and a strengthened faith, so that they might have a renewed awareness of the higher standard to which you call us. I pray for you to give these servants of the people a unity of vision and purpose, in order that they might work together to seek that which is pleasing in your sight, O Lord. Give this body strength and patience, O God, so that they might make the right decisions, and so that they might seek your will for themselves and for this state to the end that the State of Texas and all its citizens might bring you praise, joy, and honor as we proclaim before the nations that it is to you that we owe our prosperity and our peace, and that this is no claim of our own. I offer this prayer in the name of my Lord Jesus, who is the Christ of God. Amen.

LEAVES OF ABSENCE GRANTED

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

Hilbert on motion of Haggerty.

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

Janek on motion of Allen.

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

Smithee on motion of Craddick.

CAPITOL PHYSICIAN

The speaker recognized Representative Wohlgemuth who presented Dr. William Janss, Jr., of Clifton as the "Doctor for the Day."

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

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. 44).

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).

HR 901 - ADOPTED (by Tillery)

Representative Tillery moved to suspend all necessary rules to take up and consider at this time **HR 901**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 901, Honoring Dr. Leslie Green on his retirement from the Garland ISD.

HR 901 was adopted without objection.

HR 930 - ADOPTED (by Swinford)

Representative Swinford moved to suspend all necessary rules to take up and consider at this time **HR 930**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 930, Honoring Charles Huff of Austin on the occasion of his 69th birthday.

HR 930 was read and was adopted without objection.

On motion of Representative Walker, the names of all the members of the house were added to **HR 930** as signers thereof.

INTRODUCTION OF GUESTS

The speaker recognized Representative Swinford, who introduced Charles Huff and his wife, Bobbie Lee.

HR 845 - ADOPTED
(by Wohlgemuth)

Representative Wohlgemuth moved to suspend all necessary rules to take up and consider at this time **HR 845**.

The motion prevailed without objection.

The following resolution was laid before the house:

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

HR 845 was read and was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 21).

INTRODUCTION OF GUESTS

The speaker recognized Representative G. Lewis, who introduced the sixth grade class from Metro Christian Academy and their teachers.

HR 935 - ADOPTED
(by Bosse)

Representative Bosse moved to suspend all necessary rules to take up and consider at this time **HR 935**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 935, Honoring Father Anton Sheltz on the occasion of his 25th anniversary as priest of St. Dominic Catholic Church in Houston.

HR 935 was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 935** as signers thereof.

HCR 272 - ADOPTED
(by Ramsay)

Representative Ramsay moved to suspend all necessary rules to take up and consider at this time **HCR 272**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 272, Honoring the educators of the Mount Vernon Independent School District for their outstanding service.

HCR 272 was adopted without objection.

HR 814 - ADOPTED
(by Allen)

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 814**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 814, Congratulating Scott and Marissa Gilmore of Austin on the birth of their daughter, Claudia Michelle Gilmore.

HR 814 was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 814** as signers thereof.

REGULAR ORDER OF BUSINESS SUSPENDED

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

HB 3700 - PERMISSION TO INTRODUCE

Representative Wilson requested permission to introduce and have placed on first reading **HB 3700**.

A record vote was requested.

Permission to introduce was granted by (Record 270): 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; 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; 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; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Janek; Smithee.

Absent — Wohlgemuth.

**HB 966 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 966, A bill to be entitled An Act relating to requiring the Health and Human Services Commission to study ways to allow appropriated money to follow an individual who is leaving institutional care and will need community-based services.

On motion of Representative Naishtat, the house concurred in the senate amendments to **HB 966**.

Senate Committee Substitute

CSHB 966, A bill to be entitled An Act relating to requiring the Health and Human Services Commission to study ways to allow appropriated money to follow an individual who is leaving institutional care and will need community-based services.

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

SECTION 1. In this Act, "health and human services agencies" has the meaning assigned by Section 531.001, Government Code.

SECTION 2. The Health and Human Services Commission shall study ways in which health and human services agencies may:

(1) quantify the amount of money appropriated by the legislature that is spent to care for a person who is receiving institutional care in an institution operated by the state or funded at least in part by appropriated money; and

(2) redirect all or part of that amount to one or more community-based programs that will provide community-based services to the person in the event the person leaves the institution to live in the community.

SECTION 3. The commission shall consider ways in which the money may be redirected under existing law, whether the money could be redirected in advisable ways if changes were made in the General Appropriations Act, and advisable ways in which the money could be redirected that would require changes in general law.

SECTION 4. At the commission's request, each health and human services agency shall provide information to the commission and assist the commission in performing the study.

SECTION 5. Not later than September 1, 2002, the commission shall report its conclusions and recommendations to the presiding officer of each house of the legislature, to the Senate Finance Committee and the House Appropriations Committee, and to each standing committee of either house of the legislature that has primary jurisdiction over the commission or a health and human services agency.

SECTION 6. This Act expires June 1, 2003.

SECTION 7. This Act takes effect September 1, 2001.

HB 992 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 992, A bill to be entitled An Act relating to circumstances under which a publisher or manufacturer of textbooks must maintain or arrange for a textbook depository in this state.

On motion of Representative Hochberg, the house concurred in the senate amendments to **HB 992**.

Senate Committee Substitute

CSHB 992, A bill to be entitled An Act relating to circumstances under which a publisher or manufacturer of textbooks must maintain or arrange for a textbook depository in this state.

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

SECTION 1. Section 31.151(a), Education Code, is amended to read as follows:

(a) A publisher or manufacturer of textbooks:

(1) shall furnish any textbook the publisher or manufacturer offers in this state, at a price that does not exceed the lowest price at which the publisher offers that textbook for adoption or sale to any state, public school, or school district in the United States;

(2) shall automatically reduce the price of a textbook sold for use in a school district or open-enrollment charter school to the extent that the price is reduced elsewhere in the United States;

(3) shall provide any textbook or ancillary item free of charge in this state to the same extent that the publisher or manufacturer provides the textbook or ancillary item free of charge to any state, public school, or school district in the United States;

(4) shall guarantee that each copy of a textbook sold in this state is at least equal in quality to copies of that textbook sold elsewhere in the United States and is free from factual error;

(5) may not become associated or connected with, directly or indirectly, any combination in restraint of trade in textbooks or enter into any understanding or combination to control prices or restrict competition in the sale of textbooks for use in this state;

(6) shall:

(A) maintain a depository in this state or arrange with a depository in this state to receive and fill orders for textbooks, other than on-line textbooks or on-line textbook components consistent with State Board of Education rules; or

(B) deliver textbooks to a school district or open-enrollment charter school without a delivery charge to the school district, open-enrollment charter school, or state, if:

(i) the publisher or manufacturer does not maintain or arrange with a depository in this state under Subsection (A) and the publisher's or manufacturer's textbooks and related products are warehoused or otherwise stored less than 300 miles from a border of this state, or

(ii) the textbooks are on-line textbooks or on-line textbook components;

(7) shall guarantee delivery of textbooks before the opening day of school of the year for which the textbooks are ordered if the textbooks are ordered by a date specified in the sales contract; and

(8) shall submit to the State Board of Education an affidavit certifying any textbook the publisher or manufacturer offers in this state to be free of factual errors at the time the publisher executes the contract required by Section 31.026.

SECTION 2. Section 31.103(b), Education Code, is amended to read as follows:

(b) A requisition for textbooks for the following school year shall be based on the maximum attendance reports under Subsection (a), plus an additional 10 percent, except as otherwise provided. A school district or open-enrollment charter school shall make a requisition for a textbook on the conforming or nonconforming list through the commissioner to the state depository designated by the [each] publisher or as provided by State Board of Education rule, as applicable, not later than June 1 of each year. The designated state depository or, if the publisher or manufacturer does not have a designated textbook depository in this state under Section 31.151(a)(6)(B), the publisher or manufacturer ~~[or other storage facility]~~ shall fill a requisition approved by the agency at any other time in the case of an emergency.

SECTION 3. Section 31.104(b), Education Code, is amended to read as follows:

(b) A school district or open-enrollment charter school may order replacements for textbooks that have been lost or damaged directly from:

(1) the textbook depository; or

(2) the textbook publisher or manufacturer if the textbook publisher or manufacturer does not have a designated textbook depository in this state under Section 31.151(a)(6)(B) [replacements for textbooks that have been lost or damaged].

SECTION 4. This Act takes effect September 1, 2001.

HB 1629 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1629, A bill to be entitled An Act relating to the provision of water by the Lower Colorado River Authority to a municipality outside the Colorado River basin.

On motion of Representative Cook, the house concurred in the senate amendments to **HB 1629** by (Record 271): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam;

Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; 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; Najera; Nixon; Noriega; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgenuth; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Janek; Smithee.

Absent — Naishtat; Oliveira; Wolens.

Senate Committee Substitute

CSHB 1629, A bill to be entitled An Act relating to the provision of water by the Lower Colorado River Authority to a municipality outside the Colorado River basin.

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

SECTION 1. Chapter 7, Acts of the 43rd Legislature, 4th Called Session, 1934 (Article 8280-107, Vernon's Texas Civil Statutes), is amended by adding Section 28 to read as follows:

Sec. 28. Notwithstanding any other provision of this Act or other law:

(a) In this section:

(1) "Municipality" includes a municipally owned utility.

(2) "Water service area" means the area in which the district is authorized to use, distribute, and sell water on January 1, 2001.

(b) Subject to the limitations and restrictions in this section, the district may enter into a written contract with a municipality located outside the water service area to distribute and sell water to the municipality.

(c) In addition to the district's applicable water rate, the district shall charge a municipality a surcharge determined by the board of directors according to the terms of the contract to enable the district to develop and manage water resources sufficient to address the projected needs of the district's water service area and the needs of the municipality to the extent agreed in the contract. The contract must provide that the surcharge be sufficient to allow the district to recover all capital construction costs incurred by the district under this section. The board of directors' determination of the surcharge is not subject to review or modification by any regulatory agency or administrative authority.

(d) The use or reservation of water under a contract authorized by this section may extend for a base period of not more than 50 years. A contract may provide an option to renew for not more than an additional 30 years. An

option to renew must require that the municipality progressively reduce the amount of water reserved or used by the municipality during the last 10 years of the renewal term and require that the rate paid by the municipality immediately increase by a factor of five if the municipality does not make the required reduction. A contract must provide that the municipality is not entitled to further reservation, use, or delivery of water from the district at the conclusion of the contract.

(e) A contract authorized by this section must require that the then current rate paid by the municipality immediately increase by a factor of five if:

(1) the municipality initiates legal proceedings in a court or regulatory agency to obtain:

(A) an increase in the amount of surface water taken by the municipality under this section; or

(B) an extension of either the base or renewal periods under Subsection (d); or

(2) the district is compelled by any authority to reserve, sell, or make available to the municipality more than 150,000 acre-feet of water per year or to reserve, sell, or make available to the municipality water beyond the base and renewal periods under Subsection (d).

(f) The contract must provide that within the water service area, the district must own any personal property, fixtures, or appurtenances that are used for making available, diverting, or delivering water to a municipality under a contract authorized by this section.

(g) Water to be provided under a contract authorized by this section may not be diverted from the Colorado River at diversion points located on the reservoirs that, on the effective date of this section, are owned and operated by the district upstream of Mansfield Dam. Water to be provided under a contract authorized by this section may be diverted only from off-channel reservoirs built downstream of Mansfield Dam after the effective date of this section.

(h) The district may not provide water to a municipality under a contract authorized by this section unless the district demonstrates, through its water management plan, to the Texas Natural Resource Conservation Commission that the district will operate its water supply system in conjunction with the water resources management efforts contemplated by the contract to:

(1) increase the average lake levels of Lake Buchanan and Lake Travis by at least 6 feet and 18 feet, respectively, above the average lake levels of such lakes during times when such lakes would have been operating at less than 90 percent of conservation capacity without such efforts; and

(2) increase the average lake levels of Lake Buchanan and Lake Travis during a repeat of the drought of record at least 10 feet and 20 feet, respectively, above the average lake levels of such lakes during a repeat of the drought of record without such efforts.

(i) As a requirement of the district's water management plan, the district shall submit annually to the Texas Natural Resource Conservation Commission data and a report demonstrating that the district has operated its water supply system in accordance with the provisions of this section. Such data shall include a tabulation that compares actual recorded lake levels with lake levels

that would have occurred without the water resources management efforts contemplated by a contract authorized by this section. The Texas Natural Resource Conservation Commission shall review the data and report submitted by the district and shall certify, in writing made available to the public, whether the district has complied with the provisions of this section.

(j) The district may sell no more than a total of 150,000 acre-feet of water in any year under contracts authorized by this section.

(k) This section does not authorize:

(1) the district to pump water to the municipality directly from the Colorado River;

(2) the district to sell its surface water rights to any person or entity for use outside the water service area; or

(3) a sale or lease of water other than as specifically authorized by this section.

(l) The district may not sell groundwater to a municipality under this section.

(m) The district may not contract to distribute or sell water under this section unless the district's board of directors finds, after providing an opportunity for public input, that the contract:

(1) will protect and benefit the lower Colorado River watershed and the district's water service area, including municipal, industrial, agricultural, recreational, and environmental interests;

(2) is consistent with regional water plans filed with the Texas Water Development Board on or before January 5, 2001;

(3) will ensure that the beneficial inflows remaining after any water diversions will be adequate to maintain the ecological health and productivity of the Matagorda Bay system;

(4) will provide for instream flows no less protective than those included in the district's Water Management Plan for the Lower Colorado River Basin, as approved by the Texas Natural Resource Conservation Commission;

(5) will ensure that, before any water is delivered under the contract, the municipality has prepared a drought contingency plan and has developed and implemented a water conservation plan that will result in the highest practicable levels of water conservation and efficiency achievable within the jurisdiction of the municipality;

(6) provides for a broad public and scientific review process designed to ensure that all information that can be practicably developed is considered in establishing beneficial inflow and instream flow provisions; and

(7) will benefit stored water levels in the district's existing reservoirs.

(n) A municipality that buys water from the district under a contract authorized by this section may not resell that water outside the boundaries of the regional water planning area in which the municipality is located, as such boundaries are designated by the Texas Water Development Board as of January 5, 2001.

(o) Nothing in this section shall exempt the district or any municipality from the permitting requirements of state and federal law.

SECTION 2. This Act constitutes full authority for a municipality or municipally owned utility to enter into a contract with the district under

Section 28, Chapter 7, Acts of the 43rd Legislature, 4th Called Session, 1934 (Article 8280-107, Vernon's Texas Civil Statutes), as added by this Act. The payments made under a contract authorized by that section are operation and maintenance expenses of the municipality's utility system. A municipality or municipally owned utility that enters into a contract under that section may use proceeds from the sale of its revenue bonds to make any such payments.

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.

**HB 1665 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1665, A bill to be entitled An Act relating to the duties and authority of the Texas Motor Vehicle Board and to the regulation of the sale of motor vehicles.

On motion of Representative Alexander, the house concurred in the senate amendments to **HB 1665** by (Record 272): 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; Cook; 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; 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; 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 — Hilbert; Janek; Smithee.

Absent — Corte.

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

HB 1665, as engrossed, is amended as follows:

(1) On page 2, line 25, insert the following after the word "home": , ambulance, or fire-fighting vehicle".

(2) On page 16, line 15, delete the word "other".

(3) On page 16, after line 17, insert the following new Section 10 of the bill and renumber all subsequent sections of the bill accordingly:

"SECTION 10. Section 4.02(a), Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) An application for a dealer license shall be on a form prescribed by the board which shall include the information required by Chapter 503, Transportation Code, and information on the applicant's financial resources, business integrity, business ability and experience, franchise agreement if applicable, physical facilities, vehicle inventory, and other factors the board considers necessary to determine an applicant's qualifications to adequately serve the public. Notwithstanding other law or rule, a request for an application is confidential, is not an open record, and is not available for public inspection.

(4) On page 34, after line 3, insert the following new section to the bill, number the section appropriately, and renumber all subsequent sections accordingly:

SECTION _____. Section 5.02C, Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), is amended by adding a new Subsection (e), and by renumbering all subsequent subsections of Section 5.02C accordingly:

"(e) For purposes of determining compliance with Subsection (d)(2), the price of a dealership and the other terms and conditions of a contract for the sale of a dealership are reasonable if the purchaser is a franchised dealer who:

(1) has made a significant investment in the dealership, subject to loss;

(2) has an ownership interest in the dealership; and

(3) operates the dealership under a plan to acquire full ownership of the dealership within a reasonable time and under reasonable terms and conditions."

(5) On page 34, after line 11, insert a new section of the bill, number it appropriately, and renumber all subsequent sections of the bill accordingly:

SECTION _____. Section 5.04(b), Texas Motor Vehicle Commission Code (Article 4413(36), Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) The 'make' of a conversion, ambulance, or fire-fighting vehicle is that of the chassis manufacturer and the 'make' of a motor home is that of the motor home manufacturer.

HB 1840 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1840, A bill to be entitled An Act relating to authorizing the comptroller to waive penalties and interest relating to the delivery of certain delinquent unclaimed property.

On motion of Representative Junell, the house concurred in the senate amendments to **HB 1840** by (Record 273): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; 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; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Janek; Smithee.

Absent — Giddings; Homer.

STATEMENT OF VOTE

When Record No. 273 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

Senate Committee Substitute

CSHB 1840, A bill to be entitled An Act relating to authorizing the comptroller to waive penalties and interest relating to the delivery of certain delinquent unclaimed property.

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

SECTION 1. Section 74.707, Property Code, is amended by adding Subsection (c) to read as follows:

(c) The comptroller may waive penalty and interest imposed on delinquent property if the holder delivering the property was required to deliver the property on or before November 1, 1997.

SECTION 2. The change in law made by this Act applies only to unclaimed property delivered to the comptroller of public accounts under Subchapter D, Chapter 74, Property Code, on or after the effective date of this Act. Unclaimed property delivered to the comptroller of public accounts before the effective date of this Act is governed by the law in effect at the time the property was delivered, and the former law is continued in effect for that purpose.

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.

CONSTITUTIONAL AMENDMENTS CALENDAR
SENATE JOINT RESOLUTIONS
SECOND READING

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

SJR 2 ON SECOND READING
(Hilderbran - House Sponsor)

SJR 2, A joint resolution proposing a constitutional amendment authorizing the legislature to authorize the board of trustees of an independent school district to donate certain surplus district property of historical significance in order to preserve the property.

A record vote was requested.

SJR 2 was adopted by (Record 274): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; 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; 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.; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Janek; Smithee.

Absent — Capelo; Morrison.

GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING

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

SB 219 ON THIRD READING
(Carter - House Sponsor)

SB 219, A bill to be entitled An Act relating to disposition of out-of-county crimes.

SB 219 was passed. (Keel recorded voting no)

SB 288 ON THIRD READING
(Ellis - House Sponsor)

SB 288, A bill to be entitled An Act relating to the financial transactions of a community supervision and corrections department.

SB 288 was passed.

SB 243 ON THIRD READING
(Brimer - House Sponsor)

SB 243, A bill to be entitled An Act relating to financing capital improvements and facility expansions through the assessment of impact fees; providing a civil penalty.

Amendment No. 1

Representative Kuempel offered the following amendment to **SB 243**:

Amend **SB 243** on third reading as follows:

1. On page 6, line 12, strike "or",
2. On page 6, line 17, at the end of Section 4, insert before the "." the following:

";or

(3) a political subdivision that lacks authority to issue building permits in the area where the impact fee applies shall collect the fees at the time an application is filed for an individual meter connection to the political subdivision's water or wastewater system."

Amendment No. 1 was adopted without objection.

SB 243, as amended, was passed.

SB 353 ON THIRD READING
(McCall - House Sponsor)

SB 353, A bill to be entitled An Act relating to certain programs to develop the technology workforce in Texas by supporting and promoting higher education in engineering and computer science.

SB 353 was passed.

SB 415 ON THIRD READING
(Naishtat, Wohlgenuth, Smithee, and Eiland - House Sponsors)

SB 415, A bill to be entitled An Act relating to operation of the Texas Medical Liability Insurance Underwriting Association and to participation of nursing homes in that association.

SB 415 was passed.

SB 573 ON THIRD READING
(Rangel - House Sponsor)

SB 573, A bill to be entitled An Act relating to a public awareness campaign to promote the value and availability of higher education.

SB 573 was passed.

SB 495 ON THIRD READING
(Thompson - House Sponsor)

SB 495, A bill to be entitled An Act relating to the educational requirements for certain justices of the peace.

SB 495 was passed.

SB 827 ON THIRD READING
(Hawley, Swinford, B. Turner, and Hardcastle - House Sponsors)

SB 827, A bill to be entitled An Act relating to certain anticipation notes for rural economic development.

A record vote was requested.

SB 827 was passed by (Record 275): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; 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; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Janek; Smithee.

SB 832 ON THIRD READING
(Delisi and Maxey - House Sponsors)

SB 832, A bill to be entitled An Act relating to requiring reports from the Health and Human Services Commission about the state Medicaid program.

A record vote was requested.

SB 832 was passed by (Record 276): 146 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; 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; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Janek; Smithee.

SB 610 ON THIRD READING
(R. Lewis - House Sponsor)

SB 610, A bill to be entitled An Act relating to the restoration of the civil rights of certain individuals convicted of offenses allegedly committed in other countries.

A record vote was requested.

SB 610 was passed by (Record 277): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; 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; 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; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford;

Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Janek; Smithee.

Absent — Garcia; Puente.

SB 1196 ON THIRD READING
(Hochberg - House Sponsor)

SB 1196, A bill to be entitled An Act relating to the use of certain practices in disciplining or techniques in managing the behavior of public school students.

Amendment No. 1

Representative Hochberg offered the following amendment to **SB 1196**:

Amend **SB 1196** on third reading as follows:

(1) In SECTION 1 of the bill, in proposed Subsection (a), Section 37.0021, Education Code (page 1, line 10), strike "closet, or other specially designed space" and substitute "locked closet, or other specially designed locked space".

(2) In SECTION 1 of the bill, in proposed Subdivision (2), Subsection (b), Section 37.0021, Education Code (page 1, line 18), strike "closet, or room" and substitute "locked closet, or locked room".

(3) In SECTION 3 of the bill, after the period (page 4, line 20), insert the following:

Until the commissioner adopts those rules, the use of restraint and time-out, as defined by Subsection (b), Section 37.0021, Education Code, as added by this Act, by a school district employee or volunteer or an independent contractor of a district in the case of a student receiving special education services under Subchapter A, Chapter 29, Education Code, is governed by school district policy. Section 37.0021, Education Code, as added by this Act, governs the use of seclusion as defined by Subsection (b) of that section beginning September 1, 2001.

Amendment No. 1 was adopted without objection.

SB 1196, as amended, was passed.

SB 1380 ON THIRD READING
(Allen - House Sponsor)

SB 1380, A bill to be entitled An Act relating to the administration and application of the sex offender registration program and to other requirements imposed on persons by the sex offender registration program.

Amendment No. 1

Representative Salinas offered the following amendment to **SB 1380**:

Amend **SB 1380** on third reading by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _. Article 62.08, Code of Criminal Procedure, is amended to read as follows:

Art. 62.08. CENTRAL DATABASE; PUBLIC INFORMATION. (a) The department shall maintain a computerized central database containing only the information required for registration under this chapter.

(b) The information contained in the database is public information, with the exception of any information:

(1) regarding the person's social security number, driver's license number, or telephone number;

(2) that is required by the department under Article 62.02(b)(5); or

(3) that would identify the victim of the offense for which the person is subject to registration.

(c) Notwithstanding Chapter 730, Transportation Code, the department shall maintain in the database, and shall post on any department website related to the database, any photograph of the person that is available through the process for obtaining or renewing a personal identification certificate or driver's license under Section 521.103 or 521.272, Transportation Code. The department shall update the photograph in the database and on the available annually or as the photograph otherwise becomes available through the renewal process for the certificate or license.

(d) A local law enforcement authority shall release public information described under Subsection (b) to any person who submits to the authority a written request for the information. The authority may charge the person a fee not to exceed the amount reasonably necessary to cover the administrative costs associated with the authority's release of information to the person under this subsection.

(e) [~~(d)~~] On the written request of a licensing authority that identifies an individual and states that the individual is an applicant for or a holder of a license issued by the authority, the department shall release any information described by Subsection (a) to the licensing authority.

(f) [~~(e)~~] For the purposes of Subsection (e) [~~(d)~~]:

(1) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) a person must obtain to practice or engage in a particular business, occupation, or profession.

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

Amendment No. 1 was adopted without objection.

SB 1380, as amended, was passed.

SB 179 ON THIRD READING
(Hupp - House Sponsor)

SB 179, A bill to be entitled An Act relating to exempting military personnel and their dependents from the testing requirements of the Texas Academic Skills Program and from other similar testing requirements.

A record vote was requested.

SB 179 was passed by (Record 278): 143 Yeas, 1 Nay, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; 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; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

Nay — Hartnett.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Janek; Smithee.

Absent — Goolsby; Wise.

SB 15 ON THIRD READING (Danburg - House Sponsor)

SB 15, A bill to be entitled An Act relating to excepting certain information maintained by family violence shelter centers and sexual assault programs from disclosure under the public information law.

A record vote was requested.

SB 15 was passed by (Record 279): 138 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; George; Geren; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; 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; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; Janek; Smithee.

Absent — Edwards; Flores; Garcia; Giddings; Hinojosa; King, P.; Rangel; Wise.

STATEMENTS OF VOTE

When Record No. 279 was taken, I was in the house but away from my desk. I would have voted yes.

Flores

When Record No. 279 was taken, I was in the house but away from my desk. I would have voted yes.

Rangel

INTRODUCTION OF GUEST

The speaker recognized Representative Junell, who introduced Bobby Knight, basketball coach from Texas Tech University. Mr. Knight briefly addressed the house.

ADDRESS BY REPRESENTATIVE GIDDINGS ON A MATTER OF PERSONAL PRIVILEGE

The speaker recognized Representative Giddings who addressed the house on a matter of personal privilege.

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

SB 1206 ON SECOND READING (Allen - House Sponsor)

SB 1206, A bill to be entitled An Act relating to risk assessment procedures used in the sex offender registration program and to duties and immunities for officers and employees who administer the program.

SB 1206 was passed to third reading.

SB 116 ON SECOND READING (Hilderbran - House Sponsor)

SB 116, A bill to be entitled An Act relating to authorizing the board of trustees of an independent school district to donate certain surplus district

property to a municipality, county, or nonprofit organization in order to preserve the property.

SB 116 was passed to third reading.

SB 685 ON SECOND READING
(Wohlgemuth - House Sponsor)

SB 685, A bill to be entitled An Act relating to transfer of the regulation of riding stables to the Texas Animal Health Commission from the Texas Department of Health.

Amendment No. 1

Representative Hardcastle offered the following amendment to **SB 685**:

Amend **SB 685** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION _____. Chapter 2053, Occupations Code, is repealed.

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

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Hardcastle offered the following amendment to **SB 685**:

Amend **SB 685** by adding the following SECTION to the bill, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION ___. Subchapter A, Chapter 2053, Occupations Code, is amended by adding Section 2053.003 to read as follows:

Sec. 2053.003. SUNSET REVIEW. (a) The Sunset Advisory Commission shall review this chapter, evaluate the operation and effectiveness of this chapter, and, not later than January 1, 2003, make recommendations to the legislature and the governor regarding:

(1) the public necessity for this chapter; and

(2) whether this chapter should be continued, modified, or repealed.

(b) In its evaluation of this chapter under Subsection (a), the commission shall apply the criteria provided by Section 325.011, Government Code, to the extent those criteria are applicable.

Amendment No. 2 was adopted without objection.

SB 685, as amended, was passed to third reading.

CSSB 406 ON SECOND READING
(Hawley - House Sponsor)

CSSB 406, A bill to be entitled An Act relating to the preservation of rail facilities by the Texas Department of Transportation.

Amendment No. 1

Representative Gallego offered the following amendment to **CSSB 406**:

Amend **CSSB 406** by adding the following new section to the bill, appropriately numbered, and renumbering subsequent sections accordingly:

SECTION ____ . Section 5, Chapter 623, Acts of the 67th Legislature, Regular Session, 1981 (Article 6550c, Vernon's Texas Civil Statutes), is amended by adding Subsection (r) to read as follows:

(r) A district may not sell a rail line of the district unless the sale is approved by the Texas Transportation Commission as being consistent with the policies of this Act. The commission by rule shall adopt procedures for applying for and obtaining approval under this subsection.

Amendment No. 1 was adopted without objection.

CSSB 406, as amended, was passed to third reading. (Luna recorded voting no)

SB 644 ON SECOND READING
(Gray - House Sponsor)

SB 644, A bill to be entitled An Act relating to continuity of care for offenders with mental impairments.

SB 644 was passed to third reading.

SB 717 ON SECOND READING
(Hawley - House Sponsor)

SB 717, A bill to be entitled An Act relating to the boll weevil eradication program.

SB 717 was passed to third reading.

POSTPONED BUSINESS

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

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, postponed until April 26, and was again postponed until this time.

Amendment No. 1

Representatives Haggerty and Oliveira offered the following amendment to **CSHB 2498**:

Amend **CSHB 2498** by striking all below the enacting clause and substituting the following:

SECTION 1. Title 1, Insurance Code, is amended by adding Chapter 20B to read as follows:

CHAPTER 20B. CROSS-BORDER HEALTH CARE PLAN

Art. 20B.01. SHORT TITLE. This chapter may be cited as the Cross-Border Health Care Plan Act.

Art. 20B.02. DEFINITIONS. In this chapter:

(1) "Basic health care services" means health care services that the commissioner determines an enrolled population might reasonably require in order to be maintained in good health, including any services required by the applicable laws of the United Mexican States.

(2) "Cross-border health care plan" means a health care plan that is offered or made available to the categories of persons described by Article 20B.03 of this code and that is provided through a health maintenance organization delivery network based exclusively on physicians, providers, or other health maintenance organizations located in the United Mexican States.

(3) "Emergency care" means health care services provided in a hospital emergency facility or comparable facility to evaluate and stabilize medical conditions of a recent onset and severity, including severe pain, that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that the individual's condition, sickness, or injury is of such a nature that failure to get immediate medical care could result in:

(A) placing the patient's health in serious jeopardy;

(B) serious impairment to bodily functions;

(C) serious dysfunction of any bodily organ or part;

(D) serious disfigurement; or

(E) in the case of a pregnant woman, serious jeopardy to the health of the fetus.

(4) "Enrollee" means an individual who is enrolled in a health care plan, including covered dependents.

(5) "Health care plan" means a plan under which a person undertakes to provide, arrange for, pay for, or reimburse any part of the cost of any health care services if a part of the plan consists of providing or arranging for health care services on a prepaid basis through insurance or otherwise, as distinguished from indemnification against the cost of the service.

(6) "Health care services" means services provided to an individual to prevent, alleviate, cure, or heal human illness or injury. The term includes:

(A) pharmaceutical services;

(B) medical, chiropractic, or dental care;

(C) hospitalization; and

(D) care or services incidental to the health care services described by Paragraphs (A)-(C).

(7) "Health maintenance organization" means a person or entity that arranges for or provides a health care plan to enrollees on a prepaid basis.

(8) "Health maintenance organization delivery network" means a health care delivery system in which a health maintenance organization arranges for health care services directly or indirectly through contracts and subcontracts with providers and physicians.

Art. 20B.03. ELIGIBILITY FOR COVERAGE. A cross-border health care plan may only be offered or made available to the following persons and their dependents:

(1) a citizen of the United Mexican States who works or resides within 62 miles of the border of this state and the United Mexican States; or

(2) a resident of the United Mexican States who works within 62 miles of the border of this state and the United Mexican States.

Art. 20B.04. COVERAGE OFFERED. (a) A health maintenance organization licensed to provide basic health care services under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code) may offer a cross-border health care plan to individuals or to small employers or large employers, as those terms are defined by Article 26.02 of this code. In arranging for or providing a cross-border health care plan, a health maintenance organization has all of the powers and authority granted under Section 6, Texas Health Maintenance Organization Act (Article 20A.06, Vernon's Texas Insurance Code).

(b) A cross-border health care plan may limit its service area to a geographic region within the United Mexican States and may limit the coverage of out-of-area health care services delivered in this state to emergency care services. The delivery of emergency care services in this state under the plan is subject to the requirements of Section 4(a)(16), Texas Health Maintenance Organization Act (Article 20A.04, Vernon's Texas Insurance Code).

(c) The delivery of health care services through the health maintenance organization delivery network located in the United Mexican States must be based on and determined by the prevailing community standards in the United Mexican States, and the licensing of physicians and providers is governed by the applicable laws of the United Mexican States. A physician or provider providing health care services through the delivery network is not required to be licensed in this state. The credentialing, peer review, and quality of care standards used by a health maintenance organization offering a cross-border health care plan is governed by the standards that apply in the United Mexican States.

(d) A cross-border health care plan may be made available to eligible employees of a small or large employer, and their dependents, only when chosen by the employer as an option among two or more health benefit plans, at least one of which provides coverage for health care services delivered in this state.

(e) A health maintenance organization that offers a cross-border health care plan must contract with sufficient providers and physicians to assure that all health care services for which coverage is provided will be reasonably available and accessible.

Art. 20B.05. APPLICABILITY OF TEXAS HEALTH MAINTENANCE ORGANIZATION ACT. (a) A cross-border health care plan must satisfy the requirements of Section 9, Texas Health Maintenance Organization Act (Article 20A.09, Vernon's Texas Insurance Code), except that the provisions relating to state continuation of coverage and conversion do not apply to a cross-border health care plan. A health maintenance organization shall file the form of its cross-border health care plan for information only with the commissioner, accompanied by a certification on its behalf that on best knowledge, information, and belief, the filed form complies in all respects with the applicable provisions of this code, the Texas Health Maintenance Organization Act, and the adopted rules and regulations that are applicable to the form.

(b) A cross-border health care plan and the health maintenance organization offering such a plan are exempt from the requirements of Sections 9E, 9F, 11, 11A, 11B, 18A, as added by Chapter 1026, Acts of the 75th

Legislature, Regular Session, 1997, 18A, as added by Chapter 735, Acts of the 75th Legislature, Regular Session, 1997, 18B, 18C, 29, 37, and 38, Texas Health Maintenance Organization Act (Articles 20A.09E, 20A.09F, 20A.11, 20A.11A, 20A.11B, 20A.18A, as added by Chapter 1026, Acts of the 75th Legislature, Regular Session, 1997, 20A.18A, as added by Chapter 735, Acts of the 75th Legislature, Regular Session, 1997, 20A.18B, 20A.18C, 20A.29, 20A.37, and 20A.38, Vernon's Texas Insurance Code), and Article 26.09, Insurance Code, and any rules or regulations adopted under those laws. The commissioner is not required to examine a health maintenance organization with respect to the quality of health care services delivered under a cross-border health care plan by providers and physicians located in the United Mexican States.

(c) Sections 12, 12A, and 12B, Texas Health Maintenance Organization Act (Articles 20A.12, 20A.12A, and 20A.12B, Vernon's Texas Insurance Code), apply to a cross-border health care plan only to the extent that an enrollee under the plan receives health care services delivered by a physician or provider located in this state.

(d) Section 26, Texas Health Maintenance Organization Act (Article 20A.26, Vernon's Texas Insurance Code), applies to a cross-border health care plan, except that Subsection (i)(3) of that section does not apply to a cross-border health care plan. Articles 21.07-6 and 21.58A, Insurance Code, do not apply to the activities of physicians, providers, and other persons doing business in the United Mexican States.

Art. 20B.06. RULES AND REGULATIONS. The commissioner may adopt reasonable rules and regulations to:

(1) prescribe the information to be provided to prospective and current group contract holders and enrollees; and

(2) govern communications with providers and physicians relating to the enrollee's medical condition or treatment options.

SECTION 2 This Act takes effect September 1, 2001, and applies only to a health care plan offered by a health maintenance organization on or after that date. A health care plan that is offered by a health maintenance organization before September 1, 2001, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

CSHB 2498, as amended, was passed to engrossment. (Hartnett recorded voting no)

SB 379 ON SECOND READING (Farrar - House Sponsor)

SB 379, A bill to be entitled An Act relating to conditions of employment for peace officers employed by certain rapid transit authorities.

SB 379 was considered in lieu of **CSHB 1951**.

SB 379 was read second time and was passed to third reading. (Christian, Delisi, Keffer, and Williams recorded voting no)

CSHB 1951 - LAID ON THE TABLE SUBJECT TO CALL

Representative Farrar moved to lay **CSHB 1951** on the table subject to call.

The motion prevailed without objection.

**CSHB 3230 ON SECOND READING
(by Walker)**

CSHB 3230, A bill to be entitled An Act relating to the administration of the weather modification program and grants for weather modification and control activities.

CSHB 3230 was read second time on April 30 and was postponed until this time.

Representative Walker moved to postpone consideration of **CSHB 3230** until 10 a.m. Tuesday, May 8.

The motion prevailed without objection.

**SB 753 ON SECOND READING
(Keel, Janek, and Hopson - House Sponsors)**

SB 753, A bill to be entitled An Act relating to the regulation of controlled substances under the Texas Controlled Substances Act, to the accessibility of certain information collected under that Act, and to the punishment for certain offenses under that Act.

SB 753 was considered in lieu of **CSHB 1707**.

SB 753 was read second time.

Amendment No. 1

Representative Hopson offered the following amendment to **SB 753**:

Amend **SB 753** by striking SECTION 10 of the bill and substituting the following:

SECTION 10. Section 481.074, Health and Safety Code, is amended by amending Subsections (b), (c), and (f), and by adding Subsections (o) and (p) to read as follows:

(b) Except in an emergency as defined by rule of the director or as provided by Subsection (o) or Section 481.075(j) or (m), a person may not dispense or administer a controlled substance listed in Schedule II without the written prescription of a practitioner on an official prescription form that meets the requirements of and is completed by the practitioner in accordance with Section 481.075[~~and if the controlled substance is to be dispensed, the practitioner must be registered under Section 481.063~~]. In an emergency, a person may dispense or administer a controlled substance listed in Schedule II on the oral or telephonically communicated prescription of a practitioner. The person who administers or dispenses the substance shall:

(1) if the person is a prescribing practitioner or a pharmacist, promptly comply with Subsection (c); or

(2) if the person is not a prescribing practitioner or a pharmacist, promptly write the oral or telephonically communicated prescription and include

in the written record of the prescription the name, address, and Federal Drug Enforcement Administration number of the prescribing practitioner, all information required to be provided by a practitioner under Section 481.075(e)(1), and all information required to be provided by a dispensing pharmacist under Section 481.075(e)(2).

(c) Not later than the seventh day after the date a prescribing practitioner authorizes ~~[72 hours after authorizing]~~ an emergency oral or telephonically communicated prescription, the prescribing practitioner shall cause a written prescription, completed in the manner required by Section 481.075, to be delivered in person or mailed to the dispensing pharmacist at the pharmacy where the prescription was dispensed. The envelope of a prescription delivered by mail must be postmarked not later than the seventh day after the date ~~[72 hours after]~~ the prescription was authorized. On receipt of the prescription, the dispensing pharmacy shall file the transcription of the telephonically communicated prescription and the pharmacy copy and shall send information to the director as required by Section 481.075. ~~[The pharmacist or the pharmacy that employs the pharmacist shall send all information required by the director, including any information required to complete an official prescription form, to the director by electronic transfer, a universal claim form customarily used by pharmaceutical service providers, or other form approved by the director not later than the 30th day after the date the prescription was dispensed.]~~

(f) A prescription for a Schedule II controlled substance written for a patient in a long-term care facility (LTCF) or for a patient with a medical diagnosis documenting a terminal illness may be filled in partial quantities to include individual dosage units. If there is any question about whether a patient may be classified as having a terminal illness, the pharmacist must contact the practitioner before ~~[prior to]~~ partially filling the prescription. Both the pharmacist and the practitioner have a corresponding responsibility to assure that the controlled substance is for a terminally ill patient. The pharmacist must record the prescription on an official prescription form and must indicate on the form whether the patient is "terminally ill" or an "LTCF patient." A prescription that is partially filled and does not contain the notation "terminally ill" or "LTCF patient" is considered ~~[shall be deemed]~~ to have been filled in violation of this chapter ~~[Act]~~. For each partial filling, the dispensing pharmacist shall record on the back of the official prescription form the date of the partial filling, the quantity dispensed, the remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist. Before ~~[Prior to]~~ any subsequent partial filling, the pharmacist must ~~[is to]~~ determine that the additional partial filling is necessary. The total quantity of Schedule II controlled substances dispensed in all partial fillings may ~~[must]~~ not exceed the total quantity prescribed. Schedule II prescriptions for patients in a long-term care facility or patients with a medical diagnosis documenting a terminal illness are ~~[shall be]~~ valid for a period not to exceed 60 ~~[30]~~ days following ~~[from]~~ the issue date unless sooner terminated by discontinuance of the medication.

(o) A pharmacist may dispense a Schedule II controlled substance pursuant to a facsimile copy of an official prescription completed in the manner required

by Section 481.075 and transmitted by the practitioner or the practitioner's agent to the pharmacy if:

(1) the prescription is written for:

(A) a Schedule II narcotic or non-narcotic substance for a patient in a long-term care facility (LTCF), and the practitioner notes on the prescription "LTCF patient";

(B) a Schedule II narcotic product to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion; or

(C) a Schedule II narcotic substance for a patient with a medical diagnosis documenting a terminal illness or a patient enrolled in a hospice care program certified or paid for by Medicare under Title XVIII or a hospice program that is licensed under Chapter 142, and the practitioner or the practitioner's agent notes on the prescription "hospice patient"; and

(2) the prescribing practitioner promptly complies with Subsection (p).

(p) Not later than the seventh day after the date a prescribing practitioner transmits the facsimile copy of the official prescription to the pharmacy, the prescribing practitioner shall deliver in person or mail the official written prescription to the dispensing pharmacist at the pharmacy where the prescription was dispensed. The envelope of a prescription delivered by mail must be postmarked not later than the seventh day after the date the official prescription was written. On receipt of the prescription, the dispensing pharmacy shall file the facsimile copy of the prescription with the official prescription and shall send information to the director as required by Section 481.075.

Amendment No. 2

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

Amend the Hopson Amendment to **SB 753**, in proposed Subsection (o), Section 481.074, Health and Safety Code, by striking Paragraph (C) and substituting the following:

(C) a Schedule II narcotic substance for a patient with a medical diagnosis documenting a terminal illness or a patient enrolled in a hospice care program certified or paid for by Medicare under Title XVIII or a hospice program that is licensed under Chapter 142, and the practitioner or the practitioner's agent notes on the prescription "terminally ill" or "hospice patient"; and

Amendment No. 2 was adopted without objection.

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

SB 753, as amended, was passed to third reading.

CSHB 1707 - LAID ON THE TABLE SUBJECT TO CALL

Representative Keel moved to lay **CSHB 1707** on the table subject to call.

The motion prevailed without objection.

HB 1719 ON SECOND READING
(by Eiland)

HB 1719, A bill to be entitled An Act relating to prohibiting certain persons and entities from banning the use of recording devices during the delivery of a child.

HB 1719 was read second time on May 1, postponed until May 2, and was again postponed until this time.

Amendment No. 1

Representative Delisi offered the following amendment to **HB 1719**:

Amend **HB 1719**, SECTION 1, by substituting the following for Section 168.002:

Sec. 168.002. BANNING RECORDING PROHIBITED. (a) A health care provider, hospital, or birthing center may not prohibit a person from using a recording device to record the delivery of a child.

(b) the health care provider, hospital, or birthing center may adopt rules, plans and procedures governing the use of recording devices during the delivery of a child, including rules, plans and procedures governing the exact placement of the recording device within the room in which the delivery takes place.

(Speaker pro tempore in the chair)

Amendment No. 1 was adopted without objection.

Amendment No. 1 - Vote Reconsidered

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

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

Amendment No. 2

Representative Delisi offered the following amendment to **HB 1719**:

Amend **HB 1719** as follows:

Substitute the following for Section 168.002:

Sec. 168.002. BANNING RECORDING PROHIBITED. (a) A health care provider, hospital, or birthing center may not prohibit a person from using a recording device to record the delivery of a child.

(b) the health care provider, hospital, or birthing center may adopt rules, plans and procedures governing the use of recording devices during the delivery of a child, including rules, plans and procedures governing the exact placement of the recording device within the room in which the delivery takes place.

(c) the health care provider, hospital, or birthing center must provide the rules, plans and procedures adopted under this section in writing to the person who will be delivering the child prior to the date of delivery.

Amendment No. 2 was adopted without objection.

HB 1719, as amended, was passed to engrossment. (Crabb, Heflin, and Keel recorded voting no)

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 1200 ON THIRD READING
(by Brimer, Oliveira, Swinford, McCall, Telford, et al.)**

HB 1200, A bill to be entitled An Act relating to the enactment of the Texas Economic Development Act, authorizing certain ad valorem tax incentives for economic development, including authorizing school districts to provide tax relief for certain corporations and limited liability companies that make large investments that create jobs in this state, to authorizing the imposition of certain impact fees, and to continuing the Property Redevelopment and Tax Abatement Act.

HB 1200 was passed. (Garcia recorded voting no)

(Hilbert now present)

**HB 3449 ON THIRD READING
(by Gallego, Carter, Ehrhardt, McCall, and Bosse)**

HB 3449, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Housing and Community Affairs and to other matters relating to housing or community development, including the creation of the Manufactured Housing Board and the Office of Rural Community Affairs.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 3449**:

Amend **CSHB 3449** on third reading as follows:

- (1) On page 4, strike lines 10-12.
- (2) On page 4, line 13, strike "(2)" and substitute "(1)".
- (3) On page 4, line 16, strike "(3)" and substitute "(2)".
- (4) On page 4, line 20, strike "(4)" and substitute "(3)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Gallego offered the following amendment to **HB 3449**:

Amend **HB 3449**, on third reading, as follows:

- (1) On page 10, line 3, between "BOARD" and "DECISIONS", insert "AND DEPARTMENT".
- (2) On page 10, lines 4-5, between "board" and "decisions", insert "and department".
- (3) On page 10, line 7, between "board" and "decision", insert "or department".
- (4) On page 17, line 26, strike "two" and substitute "one".
- (5) On page 26, strike lines 13-15 and substitute "any approval of that application, a member of the board or a member of the advisory committee".

established under Section 2306.1112 may not communicate with the following persons:".

(6) On page 26, strike the subsection beginning on page 26, line 26 and ending on page 27, line 2 and substitute the following:

(b) Notwithstanding Subsection (a), a board member or advisory committee member may communicate with a person described by that subsection at any board meeting or public hearing held with respect to the application.

(7) On page 70, line 6, between "colonia" and "advisory", insert "resident".

(8) On page 70, line 11, between "colonia" and "advisory", insert "resident".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Gallego offered the following amendment to **HB 3449**:

Amend **HB 3449** on third reading as follows:

(1) Add the following appropriately numbered SECTION to Article 1 of the bill and renumber existing SECTIONS of Article 1 accordingly:

SECTION __. The change in law made by this Act in adding Section 2306.6741, Government Code, applies only to a low income housing tax credit property for which an application for an allocation of low income housing tax credits is received by the Texas Department of Housing and Community Affairs on or after August 10, 1993.

(2) Add the following appropriately numbered SECTION to Article 3 of the bill and renumber existing SECTIONS of Article 3 accordingly:

SECTION __. (a) Except as provided by Subsection (b) of this section, the change in law made by this Act in adding Section 2306.269(b), Government Code, applies only to a multifamily rental housing development for which the funding or administration by the Texas Department of Housing and Community Affairs begins on or after the effective date of this Act.

(b) If the multifamily rental housing development funded or administered by the Texas Department of Housing and Community Affairs is a low income housing tax credit property, the change in law made by this Act in adding Section 2306.269(b), Government Code, applies only if an application for an allocation of low income housing tax credits for that development is received by the department on or after August 10, 1993.

(3) Add the following appropriately numbered SECTION to Article 8 of the bill and renumber existing SECTIONS of Article 8 accordingly:

SECTION __. The change in law made by this Act in adding Section 2306.6724, Government Code, applies only to a development for which an application for an allocation of low income housing tax credits is received by the Texas Department of Housing and Community Affairs on or after August 10, 1993.

Amendment No. 3 was adopted without objection.

Amendment No. 4

On behalf of Representative S. Turner, Representative Gallego offered the following amendment to **HB 3449**:

Amend **HB 3449** on third reading on page 4, line 6, between 'economic.' and 'cultural.' by inserting 'geographical.'.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Ehrhardt offered the following amendment to **HB 3449**:

Amend **HB 3449**, on third reading, in language added on second reading by the first Hodge amendment to the Ehrhardt amendment as follows:

(1) In added Section 2306.6703(1), Government Code, strike Paragraph (B) and substitute:

(B) the director, a deputy director, the director of housing programs, or the low income housing tax credit program manager employed by the department; or

(2) Strike added Section 2306.6782, Government Code, and substitute the following:

Sec. 2306.6782. REPRESENTATION BY FORMER BOARD MEMBER OR OTHER PERSON. (a) A former board member or a former director, deputy director, director of housing programs, or low income housing tax credit program manager employed by the department may not:

(1) for compensation, represent an applicant for an allocation of low income housing tax credits or a related party before the second anniversary of the date that the board member's, director's, or manager's service in office or employment with the department ceases;

(2) represent any applicant or related party or receive compensation for services rendered on behalf of any applicant or related party regarding the consideration of a housing tax credit application in which the former board member, director, or manager participated during the period of service in office or employment with the department, either through personal involvement or because the matter was within the scope of the board member's, director's, or manager's official responsibility; or

(3) for compensation, communicate directly with a member of the legislative branch to influence legislation on behalf of an applicant or related party before the second anniversary of the date that the board member's, director's, or manager's service in office or employment with the department ceases.

(b) A person commits an offense if the person violates this section. An offense under this section is a Class A misdemeanor.

Amendment No. 5 was adopted without objection.

Amendment No. 6

On behalf of Representative Edwards, Representative Gallego offered the following amendment to **HB 3449**:

Amend **HB 3449** on third reading in amended Subchapter DD, Chapter 2306, Government Code, as follows:

(1) Strike added Section 2306.6791.

(2) At the end of Subchapter DD add an appropriately numbered section to read as follows:

Sec. 2306. . MINORITY-OWNED BUSINESSES. (a) The department shall require a person who receives an allocation of housing tax credits to attempt to ensure that at least 30 percent of the construction and management businesses with which the person contracts in connection with the development are minority-owned businesses.

(b) A person who receives an allocation of housing tax credits must report to the department not less than once in each 90-day period following the date of allocation regarding the percentage of businesses with which the person has contracted that qualify as minority-owned businesses.

(c) In this section:

(1) "Minority-owned business" means a business entity at least 51 percent of which is owned by members of a minority group or, in the case of a corporation, at least 51 percent of the shares of which are owned by members of a minority group, and that is managed and controlled by members of a minority group in its daily operations.

(2) "Minority group" includes:

(A) African Americans;

(B) American Indians;

(C) Asian Americans; and

(D) Mexican Americans and other Americans of Hispanic origin.

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative S. Turner offered the following amendment to **HB 3449**:

Amend **HB 3449** on third reading

On page 47, delete lines 9-14, and substitute as follows:

(d) Unless otherwise confidential by law, the records of a license holder or other person that are required or obtained by the division or its agents or employees in connection with the investigation of a complaint shall be protected in accordance with Chapter 552, Government Code.

Amendment No. 7 was adopted without objection.

Amendment No. 6 - Vote Reconsidered

Representative Gallego moved to reconsider the vote by which Amendment No. 6 was adopted.

The motion to reconsider prevailed.

Amendment No. 8

Representative Gallego offered the following amendment to Amendment No. 6:

Amend Floor Amendment No. 6 by Edwards to **HB 3449**, on third reading, on page 1, line 25, by inserting the following Paragraph and relettering subsequent Paragraphs accordingly:

(A) women;

Amendment No. 8 was adopted without objection.

Amendment No. 6, as amended, was adopted without objection.

HB 3449, as amended, was passed.

**MAJOR STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 2879 ON SECOND READING
(by Sadler)**

CSHB 2879, A bill to be entitled An Act relating to public school finance.

CSHB 2879 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE WILLIAMS: Mr. Hochberg, that's kind of an interesting explanation you gave. It looks to me like what we did is, we've reduced the match of the instructional facility allotment guaranteed yield so that there's going to be less money going into this. Is that true?

REPRESENTATIVE HOCHBERG: No, that's not true.

WILLIAMS: Be clear about it.

HOCHBERG: This is based on a sum certain appropriation. We don't determine the amount of money that goes into that program in this bill. What we do is we establish an amount of money in the appropriations process, and the amount of money that we have left for that is exactly the same amount of money for new facilities construction that we had in the last biennium: \$150 million.

WILLIAMS: This change that was made from 25 to 35 last session was something that the fast growth schools had pushed very hard for and we've got about 80 or 85 percent of the students in the state attending 14 percent of the school districts which are in this fast growth school coalition. What I want to know is have the fast growth schools, are they going to get more or less money? Because it looks like by changing this, to me, you're going to knock some of those fast growth schools out of funding?

HOCHBERG: Actually, that's a good question, but it is exactly the opposite from what will happen, Tommy. Let me explain to you how the program works, and I think you'll see why we made that change. What we have historically done, and what the rules under this section call for, is that you take that \$150 million and you provide a match starting with the poorest districts and working your way up to wealthier districts. Last year, for instance, we would have equalized all of their bond money starting with the poorer districts up to a \$35 level for that district. Say that pulls down \$3 million from the state and we keep working our way up to wealthier and wealthier districts until we run out of money, and when we run out of money that next district gets zero. They're totally on their own to deal with the bonds.

WILLIAMS: So the effect of this is to spread it out over more districts.

HOCHBERG: It's to spread it out over more districts while having a relatively small effect, particularly on the poorest districts. On the poorest districts you're still talking about a match rate of 25 to 2 or 25 to 3, instead of 35 to 2 or 35 to 3.

WILLIAMS: So some of the property poor districts may get slightly less, but more districts will benefit?

HOCHBERG: That's right. We frankly haven't gotten so far down the list in any year with this that we'd ever get to what I'd call a rich district, even with this change. I think last time we got to districts that were about \$85,000 in wealth per student, and Mr. Dunnam may know that number better because he worked on this particular part. And that was such a small number of the ones that had applied, and it was very noticeable, having just made this last biennium, that we were cutting districts out which, frankly, had made reasonable planning decisions that they thought they'd be able to get some state money. I think the long term solution to this is, frankly, is, I wish, if we analyzed this on need, I wish we could put. . .

WILLIAMS: The answer is to appropriate more money into the program. The match rate influences it to some degree. The big thing that is going to change it. . .

HOCHBERG: The big thing is the total amount of money.

WILLIAMS: And that's saying that we anticipate that that's going to stay the same from last biennium into this biennium. We're not going to reduce that?

HOCHBERG: This bill does not reduce that. I'll tell you that the other chamber put, I think, a total of zero in for new facilities in this program. But I'm very committed, and I think the committee is very committed, to maintain this amount and Chairman Junell put it into the amount that the committee was given to divvy up and I believe that he supports this appropriation.

WILLIAMS: Well, thank you for clarifying that. I think there's been some confusion on the floor and among some of the members about what this really meant to those fast growth schools.

REMARKS ORDERED PRINTED

Representative Williams moved to print remarks by Representative Williams and Representative Hochberg.

The motion prevailed without objection.

Amendment No. 1

Representative Hochberg offered the following amendment to **CSHB 2879**:

Amend **CSHB 2879** as follows:

- (1) On page 2, line 24, replace the word "and" with the word "or";
- (2) On page 4, line 23, replace the amount "\$25.96" with the amount "\$25.75";
- (3) On page 6, line 3 replace the amount "\$27.30" with the amount "\$27.14".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives McCall and Bonnen offered the following amendment to **CSHB 2879**:

Amend **CSHB 2879** by adding the following new sections, appropriately numbered, and renumbering the subsequent sections accordingly:

SECTION __. Effective September 1, 2001, Section 41.002(a), Education Code, is amended to read as follows:

(a) A school district may not have a wealth per student that exceeds \$298,000 [~~\$295,000~~].

SECTION __. Effective September 1, 2002, Section 41.002(a), Education Code, is amended to read as follows:

(a) A school district may not have a wealth per student that exceeds \$303,000 [~~\$295,000~~].

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representatives Eiland and Gray offered the following amendment to **CSHB 2879**:

Amend **HB 2879** as follows,

Section 45.006, Education Code, is amended by adding Subsection (h) to read as follows:

(h) For purposes of Chapters 41 and 42, the commissioner shall reduce the taxable value of property, as determined under Subchapter M, Chapter 403, Government Code, of a district that issues bonds under Subsection (e) by the quotient of the total amount of payments made on those bonds by the district during the preceding tax year divided by the district's maintenance tax rate for that year.

Representative Hochberg moved to table Amendment No. 3.

The motion to table prevailed.

Amendment No. 4

Representative Gallego offered the following amendment to **CSHB 2879**:

Amend **CSHB 2879** on page 2, between lines 19 and 20, by adding the following appropriately numbers SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 42.152(b), Education Code, is amended to read as follows:

(b) For purposes of this section, the number of educationally disadvantaged students is determined:

(1) by averaging the best six months' enrollment in the national school lunch program of free or reduced-price lunches for the preceding school year; or

(2) in the manner provided y commissioner rule, if no campus in the district participated in the national school lunch program of free or reduced-price lunches during the preceding school year.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Wohlgemuth offered the following amendment to **CSHB 2879**:

Amend **CSHB 2879** as follows:

(1) Insert the following appropriately numbered SECTIONS:

SECTION _____. Subchapter M, Chapter 403, Government Code, is amended by adding Section 403.3011 to read as follows:

Sec. 403.3011. DEFINITIONS. In this subchapter:

(1) "Annual study" means the study that the comptroller is required to conduct under this subchapter.

(2) "Local value" means the market value of property in a school district that is determined by the appraisal district that appraises property for the school district, less the total amounts and values listed under Section 403.302(d) that are determined by the appraisal district that appraises property for the school district.

(3) "State value" is the value determined by the comptroller under Section 403.302.

SECTION _____. Section 403.302, Government Code, as amended by Chapters 62, 396, 983, 1467, and 1525, Acts of the 76th Legislature, Regular Session, 1999, is amended to read as follows:

Sec. 403.302. DETERMINATION OF SCHOOL DISTRICT PROPERTY VALUES. (a) The comptroller shall conduct an annual study ~~[using comparable sales and generally accepted auditing and sampling techniques]~~ to determine the total taxable value of all property in each school district. The annual study shall determine the taxable value of all property and of each category of property in the district and the productivity value of all land that qualifies for appraisal on the basis of its productive capacity and for which the owner has applied for and received a productivity appraisal. The comptroller shall make appropriate adjustments in the annual study to account for actions taken under Chapter 41, Education Code.

(b) In conducting the annual study, the comptroller shall determine the taxable value of property in each school district:

(1) using, if appropriate, generally accepted auditing techniques, including samples consisting of any combination of property sales or appraisals selected through generally accepted sampling techniques;

(2) according to generally accepted standard valuation, statistical compilation, and analysis techniques; and

(3) ensuring that different levels of appraisal on sold and unsold property do not adversely affect the accuracy of the annual study.

(c) If the comptroller determines in the annual study that the local value ~~[market value of property in a school district as determined by the appraisal district that appraises property for the school district, less the total of the amounts and values listed in Subsection (d) as determined by that appraisal district,]~~ is valid, the local value ~~[market value of property in the school district as determined by the appraisal district that appraises property for the school district, less the total of the amounts and values listed in Subsection (d) as determined by that appraisal district,]~~ is presumed to represent taxable value. In the absence of such a presumption, taxable value is the state value ~~[determined by the comptroller under Subsection (a)].~~

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

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

(2) one-half of the total dollar amount of any residence homestead exemptions granted under Section 11.13(n), Tax Code, in the year that is the subject of the annual study for each school district;

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

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

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

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

(C) is eligible for tax increment financing under Chapter 311, Tax Code;

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

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

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

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

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

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

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

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

(e) The total dollar amount deducted in each year as required by Subsection (d)(3) in a reinvestment zone created after January 1, 1999, may not exceed the captured appraised value estimated for that year as required by Section 311.011(c)(8), Tax Code, in the reinvestment zone financing plan approved under Section 311.011(d), Tax Code, before September 1, 1999. The number of years for which the total dollar amount may be deducted under Subsection (d)(4) [~~(d)(3)~~] shall for any zone, including those created on or before January 1, 1999, be limited to the duration of the zone as specified as required by Section 311.011(c)(9), Tax Code, in the reinvestment zone financing plan approved under Section 311.011(d), Tax Code, before September 1, 1999. The total dollar amount deducted under Subsection (d)(4) [~~(d)(3)~~] for any zone, including those created on or before January 1, 1999, may not be increased by any reinvestment zone financing plan amendments that occur after August 31, 1999. The total dollar amount deducted under Subsection (d)(4) [~~(d)(3)~~] for any zone, including those created on or before January 1, 1999, may not be increased by a change made after August 31, 1999, in the portion of the tax increment retained by the school district.

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

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

(h) On request of the commissioner of education or a school district, the comptroller may audit a school district to determine the total taxable value of property in the school district, including the productivity values of land only if the land qualifies for appraisal on that basis and the owner of the land has applied for and received a productivity appraisal. The comptroller shall certify the comptroller's findings to the commissioner.

(i) [~~(h)~~] If the comptroller determines in the annual study that the market value of property in a school district as determined by the appraisal district that appraises property for the school district, less the total of the amounts and values listed in Subsection (d) as determined by that appraisal district, is valid, the comptroller, in determining the taxable value of property in the school district under Subsection (d), shall for purposes of Subsection (d)(12) [~~(d)(11)~~] subtract from the market value as determined by the appraisal district of residence homesteads to which Section 23.23, Tax Code, applies the amount by which that amount exceeds the appraised value of those properties as calculated by the appraisal district under Section 23.23, Tax Code. If the comptroller determines in the annual study that the market value of property in a school district as determined by the appraisal district that appraises

property for the school district, less the total of the amounts and values listed in Subsection (d) as determined by that appraisal district, is not valid, the comptroller, in determining the taxable value of property in the school district under Subsection (d), shall for purposes of Subsection ~~(d)(12)~~ ~~[(d)(11)]~~ subtract from the market value as estimated by the comptroller of residence homesteads to which Section 23.23, Tax Code, applies the amount by which that amount exceeds the appraised value of those properties as calculated by the appraisal district under Section 23.23, Tax Code.

~~(j)~~ ~~[(h)]~~ For purposes of Section 42.2511, Education Code, the comptroller shall certify to the commissioner of education:

(1) a final value for each school district computed on a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, of \$5,000; and

(2) a final value for each school district computed on:

(A) a residence homestead exemption under Section 1-b(c), Article VIII, Texas Constitution, of \$15,000; and

(B) the effect of the additional limitation on tax increases under Section 1-b(d), Article VIII, Texas Constitution [~~as proposed by H.J.R. No. 4, 75th Legislature, Regular Session, 1997~~].

~~(k)~~ ~~[(j)]~~ For purposes of Section 42.2522, Education Code, the comptroller shall certify to the commissioner of education:

(1) a final value for each school district computed without any deduction for residence homestead exemptions granted under Section 11.13(n), Tax Code; and

(2) a final value for each school district computed after deducting one-half the total dollar amount of residence homestead exemptions granted under Section 11.13(n), Tax Code.

SECTION _____. Subchapter M, Chapter 403, Government Code, is amended by adding Section 403.3021 to read as follows:

Sec. 403.3021. TEMPORARY EXCEPTION. (a) Notwithstanding Section 403.302, for a school district that has an invalid local value under Section 403.302(c) for the 2000 annual study, the school district's local value shall be the school district's taxable value in 2000 and 2001 if the comptroller has determined that the school district had a valid local value under Section 403.302(c) for the 1998 and 1999 annual study.

(b) This section expires September 1, 2002, and applies only to the annual studies for 2000 and 2001.

SECTION _____. Sections 403.303(a) and (b), Government Code, are amended to read as follows:

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

(b) After receipt of a petition, the comptroller shall hold a hearing. The comptroller has the burden to prove the accuracy of the findings. Until a final

decision is made by the comptroller, the taxable value of property in the district is determined, with respect to property subject to the protest, according to the value claimed by the school district or property owner, except that the value to be used while a final decision is pending may not be less than the appraisal roll value for the year of the annual study. If after a hearing the comptroller concludes that the findings should be changed, the comptroller shall order the appropriate changes and shall certify the changes to the commissioner of education. The comptroller shall complete all protest hearings and certify all changes as necessary to comply with Chapter 42, Education Code. A hearing conducted under this subsection is not a contested case for purposes of Section 2001.003.

SECTION _____. Section 403.304(a), Government Code, is amended to read as follows:

(a) All information the comptroller obtains from a person, other than a government or governmental subdivision or agency, under an assurance that the information will be kept confidential, in the course of conducting an annual [a] study of school district values is confidential and may not be disclosed except as provided in Subsection (b).

(2) Strike SECTION 12 of the bill (committee printing, page 12, lines 13 and 14) and insert the following appropriately numbered SECTIONS:

SECTION _____. To the extent of any conflict, the changes made to Section 403.302, Government Code, by this Act prevail over another Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION _____. (a) Except as otherwise provided by this Act, this Act takes effect September 1, 2001.

(b) The changes in law made by this Act to Subchapter M, Chapter 403, Government Code, take effect immediately if this Act 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, those changes take effect September 1, 2001.

(c) The changes in law made by this Act to Subchapter M, Chapter 403, Government Code, apply to the comptroller's property value study made under Section 403.303, Government Code, for the year 2000 and subsequent years.

(3) Renumber the SECTIONS of the bill accordingly.

Amendment No. 6

Representative Wohlgeomuth offered the following amendment to Amendment No. 5:

Amend floor amendment #5 by Wohlgeomuth to **CSHB 2879** on page 4, line 29, by striking "Subsection (d)(3)" and substituting "Subsection (d)(4) [~~(d)(3)~~]".

Amendment No. 6 was adopted without objection.

Representative Oliveira moved to table Amendment No. 5.

The motion to table prevailed.

Amendment No. 7

Representative P. King offered the following amendment to **CSHB 2879**:

Amend **HB 2879** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION ___. Chapter 29, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. VIRTUAL CLASSROOM PROGRAM

Sec. 29.351. DEFINITIONS. In this subchapter:

(1) "Interactive multimedia communications" means real-time, interactive voice, video, and data communications conducted over networks that link geographically dispersed locations.

(2) "Program" means a virtual classroom program described by this subchapter.

Sec. 29.352. AUTHORITY. A school district may implement a program for students enrolled in grade levels 6 through 12.

Sec. 29.353. ELIGIBILITY CRITERIA. A student is eligible to participate in a program if the student:

(1) is eligible to attend school under Section 25.001; and

(2) has successfully completed fifth grade.

Sec. 29.354. ATTENDANCE AND FUNDING. (a) Sections 25.081(a), 25.082(a), 25.085(a), and 25.092(a) do not apply to a school district offering a program or to a student enrolled in a program, provided that a student successfully completes each program course not later than the end of the grading period for that course, as determined by the district.

(b) Subject to rules adopted by the commissioner, a student enrolled in a program may be counted for attendance purposes in the same manner as a student enrolled in regular classes in the district.

Sec. 29.355. PROGRAM REQUIREMENTS. Notwithstanding any other provision of this code, a school district that offers a program must:

(1) ensure that the program curriculum complies with Section 28.002;

(2) use accredited Internet courses, as determined by the district;

(3) for each course in the program, provide students with interactive multimedia communications between the student and the course instructor;

(4) require that each student enrolled in a program course successfully complete the course not later than the end of the grading period for that course, as determined by the district;

(5) administer each assessment instrument required under Subchapter B, Chapter 39, to students enrolled in the program;

(6) establish graduation requirements for students enrolled in the program that are consistent with rules adopted under Section 28.025; and

(7) assess student competency in the program.

Sec. 29.356. AGENCY OVERSIGHT. Using state funds appropriated for that purpose, the agency shall monitor, evaluate, and assess the development and implementation of each program adopted under this subchapter.

Amendment No. 7 was withdrawn.

CSHB 2879, as amended, was passed to engrossment. (Howard recorded voting no)

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 2102 ON THIRD READING
(by Eiland and Seaman)**

HB 2102, A bill to be entitled An Act relating to the determination of premium rates for certain lines of insurance.

HB 2102 was passed.

**HB 2684 ON THIRD READING
(by Kuempel)**

HB 2684, A bill to be entitled An Act relating to the authority of the Texas Transportation Commission to acquire certain protected property.

HB 2684 was passed.

**HB 1096 ON THIRD READING
(by Luna)**

HB 1096, A bill to be entitled An Act relating to the creation of fire control, prevention, and emergency medical services districts by certain municipalities.

A record vote was requested.

HB 1096 was passed by (Record 280): 108 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Bosse; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Christian; Coleman; Cook; Counts; Craddick; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Solis; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uresti; Villarreal; West; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Allen; Berman; Bonnen; Brimer; Callegari; Chisum; Clark; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Green; Heflin; Hilderbran; Hill; Howard; Hupp; Isett; Madden; Merritt; Miller; Mowery; Nixon; Shields; Smith; Solomons; Swinford; Talton; Truitt; Williams; Wohlgenuth; Woolley.

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

Absent, Excused — Janek; Smithee.

Absent — Gallego; McCall; Walker.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 280. I intended to vote no.

B. Brown

I was shown voting yes on Record No. 280. I intended to vote no.

Christian

I was shown voting yes on Record No. 280. I intended to vote no.

George

I was shown voting yes on Record No. 280. I intended to vote no.

Hamric

I was shown voting yes on Record No. 280. I intended to vote no.

Hope

I was shown voting yes on Record No. 280. I intended to vote no.

Keffer

HB 1721 ON THIRD READING (by Martinez Fischer and Menendez)

HB 1721. A bill to be entitled An Act relating to certification examinations for educators certified in other jurisdictions.

A record vote was requested.

HB 1721 was passed by (Record 281): 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; 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; 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 — Janek; Smithee.

HB 2614 ON THIRD READING**(by Solis, Chavez, Raymond, Pickett, and Flores)**

HB 2614, A bill to be entitled An Act relating to a dental services pilot program in border-region counties.

HB 2614 was passed.

HB 2382 ON THIRD READING**(by Thompson, Gray, Villarreal, Wohlgenuth, Danburg, et al.)**

HB 2382, A bill to be entitled An Act relating to coverage under a health benefit plan for prescription contraceptive drugs and devices and related services.

HB 2382 was passed.

HB 1839 ON THIRD READING**(by Junell, Coleman, Thompson, D. Jones, Crownover, et al.)**

HB 1839, A bill to be entitled An Act relating to research and excellence funding at certain institutions of higher education.

Amendment No. 1

Representative Wolens offered the following amendment to **HB 1839**:

Amend **HB 1839**, on third reading, as follows:

(1) On page 4, lines 5-7, strike "income earned from investment of the higher education fund in the preceding state fiscal year as certified by the comptroller", and substitute "portion of the total return on all investment assets of the higher education fund in the preceding state fiscal year equal to the percentage of the total return on all investment assets of the permanent fund for tobacco education and enforcement that constitutes available earnings as determined by the comptroller under Section 403.1068, Government Code, in that year".

(2) On page 4, lines 23-25, strike "income earned from investment of the higher education fund in the preceding state fiscal year as certified by the comptroller", and substitute "amount provided by Subsection (a)(1) or Subsection (c), as applicable to that state fiscal year".

(3) On page 5, lines 17, strike "income from the".

(4) On page 5, lines 19-20, strike "the amount of income earned and gains realized from the investment" and substitute "the total return".

(5) On page 6, lines 1-3, strike "in order to ensure that Texas and its workforce remain at the forefront of scientific and technological innovation".

(6) On page 7, line 23, between "62.025" and "in", insert "or Section 62.054".

(7) On page 7, line 25, between "62.025" and "and", insert "or Section 62.054".

Amendment No. 1 was adopted without objection.

HB 1839, as amended, was passed.

HB 2456 ON THIRD READING
(by Gray, Eiland, et al.)

HB 2456, A bill to be entitled An Act relating to the authority of certain counties to implement a pilot program to provide certain indigent health care services and to the funding of the program.

A record vote was requested.

HB 2456 was passed by (Record 282): 143 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; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Glaze; Goodman; 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; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbraneck.

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

Absent, Excused — Janek; Smithee.

Absent — Dunnam; Giddings; Goolsby.

HB 598 ON THIRD READING
(by Goodman and Truitt)

HB 598, A bill to be entitled An Act relating to fees imposed on defendants placed on community supervision.

HB 598 was passed.

HB 877 ON THIRD READING
(by Flores)

HB 877, A bill to be entitled An Act relating to the benefits provided to the surviving spouse and minor children of certain public employees killed in the line of duty.

HB 877 was passed.

HB 1099 ON THIRD READING
(by Chisum)

HB 1099, A bill to be entitled An Act relating to regulation of radioactive materials and other sources of radiation.

HB 1099 was passed.

HB 1053 ON THIRD READING
(by Coleman)

HB 1053, A bill to be entitled An Act relating to the creation of commercial and industrial development zones in certain populous counties; providing for taxes and the issuance of bonds.

A record vote was requested.

HB 1053 was passed by (Record 283): 144 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; 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; Salinas; Seaman; Shields; Smith; 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 — Janek; Smithee.

Absent — Chavez; Ramsay.

HB 1852 ON THIRD READING
(by J. Jones)

HB 1852, A bill to be entitled An Act relating to voting by presidential electors; providing a criminal penalty.

HB 1852 was passed.

HB 1491 ON THIRD READING
(by Farabee, Thompson, Goodman, Coleman, Brimer, et al.)

HB 1491, A bill to be entitled An Act relating to health benefit plan coverage for certain mental disorders in children.

HB 1491 was passed.

HB 2997 ON THIRD READING
(by Callegari and Chisum)

HB 2997, A bill to be entitled An Act relating to the implementation by the Texas Natural Resource Conservation Commission of a program to encourage the use of environmental management systems.

HB 2997 was passed.

HB 1363 ON THIRD READING
(by Goodman, et al.)

HB 1363, A bill to be entitled An Act relating to the mediation of certain disputes by collaborative law procedures.

HB 1363 was passed.

HB 849 ON THIRD READING
(by Coleman and Farrar)

HB 849, A bill to be entitled An Act relating to coverage of anorexia and bulimia as serious mental illnesses under certain group health benefit plans.

HB 849 was passed.

HB 3507 ON THIRD READING
(by Maxey, Thompson, Flores, Gallego, Gray, et al.)

HB 3507, A bill to be entitled An Act relating to the regulation of dentistry and the provision of dental services.

Amendment No. 1

Representative Gray offered the following amendment to **HB 3507**:

Amend **HB 3507** (Second Reading Engrossment), on third reading, as follows:

(1) On page 1, line 13, between "parameters" and "of", insert "of care".

(2) On page 14, strike lines 11-13 and substitute:

"(B) a school-based health center established under Section 38.011, Education Code, as added by Chapter 1418, Acts of the 76th Legislature, Regular Session, 1999."

(3) On page 14, strike lines 23-25 and substitute:

(e) The nursing facility or school-based health center shall note each delegated service, task, or procedure performed by the dental hygienist under this section in the patient's medical records.

(4) On page 16, between lines 15 and 16, insert:

SECTION 4.05. Not later than March 1, 2002, the State Board of Dental Examiners shall adopt the rules required by Section 265.004, Occupations Code, as added by this Act.

Amendment No. 1 was adopted without objection.

HB 3507, as amended, was passed.

HB 370 ON THIRD READING
(by Hinojosa)

HB 370, A bill to be entitled An Act relating to the fees imposed by certain counties for the preservation, restoration, and management of certain county records.

HB 370 was passed.

HB 1005 ON THIRD READING
(by Naishtat, et al.)

HB 1005, A bill to be entitled An Act relating to the creation of a state program of temporary assistance and related support services for needy persons.

Amendment No. 1

On behalf of Representative Wohlgemuth, Representative Naishtat offered the following amendment to **HB 1005**:

Amend **HB 1005** on third reading as follows:

(1) On page 3, line 19, after "program.", insert the following:

The report required to be submitted not later than December 1, 2004 must include:

(1) an analysis of whether the state program has effectively met the goals of the program, including improved delivery of services to program recipients; and

(2) recommendations regarding continuation of the program.

Amendment No. 1 was adopted without objection.

HB 1005, as amended, was passed.

HB 1056 ON THIRD READING
(by Gallego)

HB 1056, A bill to be entitled An Act relating to the composition of the general investigating committee of the house of representatives and to certain records of a legislative general investigating committee.

HB 1056 was passed.

HB 1234 ON THIRD READING
(by Naishtat and E. Reyna)

HB 1234, A bill to be entitled An Act relating to the presence of certain advocates during forensic medical examinations of alleged victims of sexual assaults.

HB 1234 was passed.

HB 1856 ON THIRD READING
(by Danburg and Madden)

HB 1856, A bill to be entitled An Act relating to the use of certain voting systems.

HB 1856 was passed.

HB 2313 ON THIRD READING**(by Bosse)**

HB 2313, A bill to be entitled An Act relating to the disposing of abandoned motor vehicles.

HB 2313 was passed.

HB 3303 ON THIRD READING**(by Counts)**

HB 3303, A bill to be entitled An Act relating to the service area of the Vernon Regional Junior College District.

Amendment No. 1

On behalf of Representative Rangel, Representative Counts offered the following amendment to **HB 3303**:

Amend **HB 3303** on third reading by striking SECTION 1 of the bill and substituting the following:

SECTION 1. Section 130.207, Education Code, is amended to read as follows:

Sec. 130.207. VERNON REGIONAL JUNIOR COLLEGE DISTRICT SERVICE AREA. (a) The service area of the Vernon Regional Junior College District includes the territory within Wilbarger, Archer, Baylor, Clay, Cottle, Foard, Hardeman, Haskell, King, Knox, Throckmorton, and Wichita counties.

(b) Notwithstanding Subsection (a), Haskell County is not included in service area of the Vernon Regional Junior College District. This subsection expires September 1, 2005.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 3303, as amended, was passed by (Record 284): 142 Yeas, 2 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; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; 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; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti;

Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Farabee; Hardcastle.

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

Absent, Excused — Janek; Smithee.

Absent — Coleman; Pitts.

HB 2649 ON THIRD READING
(by Capelo)

HB 2649, A bill to be entitled An Act relating to prohibiting the Texas Natural Resource Conservation Commission from imposing controls more stringent than federal controls on motor fuel content.

HB 2649 was passed.

HB 2503 ON THIRD READING
(by Homer)

HB 2503, A bill to be entitled An Act relating to a career development center's assessment of the job skills of certain persons.

HB 2503 was passed.

HB 2510 ON THIRD READING
(by Chavez, D. Jones, P. Moreno, Haggerty, Noriega, et al.)

HB 2510, A bill to be entitled An Act relating to the establishment of a diabetes research center at a regional academic health center of the Texas Tech University Health Sciences Center.

Amendment No. 1

Representative Gutierrez offered the following amendment to **HB 2510**:

Amend **CSHB 2510** on third reading as follows:

(1) On page 1, line 17, between "disease" and the period, insert ", including acanthosis nigricans, as defined by Section 95.001, Health and Safety Code".

(2) On page 2, between lines 7 and 8, insert the following:

(h) In conducting its activities under this section, the center shall consult with the Texas-Mexico Border Health Coordination Office of The University of Texas-Pan American that administers an acanthosis nigricans screening program under Chapter 95, Health and Safety Code.

(3) Add the following appropriately numbered SECTION to the bill and renumber SECTIONS appropriately:

SECTION ____ (a) Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 95 to read as follows:

CHAPTER 95. ACANTHOSIS NIGRICANS SCREENING

Sec. 95.001. DEFINITIONS. In this chapter:

(1) "Acanthosis nigricans" means a light brown or black velvety, rough, or thickened area on the surface of the skin that may signal high insulin levels indicative of insulin resistance.

(2) "Executive council" means the executive council advising the Texas-Mexico Border Health Coordination Office of The University of Texas-Pan American.

(3) "Office" means the Texas-Mexico Border Health Coordination Office of The University of Texas-Pan American.

(4) "Professional examination" means an evaluation performed by an appropriately licensed professional.

(5) "School" means an educational institution that admits children who are five years of age or older but younger than 21 years of age.

(6) "Screening test" means a rapid analytical procedure used to recommend appropriate measures or to determine the need for further evaluation. The term does not include the removal or partial removal of clothing.

Sec. 95.002. ACANTHOSIS NIGRICANS EDUCATION AND SCREENING PROJECT. (a) The office shall administer an acanthosis nigricans screening program in accordance with this chapter.

(b) The executive council by rule shall coordinate screening of individuals who attend public or private schools located in Texas Education Agency Regional Education Service Centers 1, 2, 3, 13, 15, 18, 19, and 20.

(c) The rules must include procedures necessary to administer screening activities.

(d) The office shall require acanthosis nigricans screening to be performed at the same time hearing and vision screening is performed under Chapter 36 or spinal screening is performed under Chapter 37.

(e) The office may coordinate the acanthosis nigricans screening activities of school districts, private schools, state agencies, volunteer organizations, and other entities so that the efforts of each entity are complementary and not fragmented and duplicative. The office may provide technical assistance to those entities in developing screening programs and may provide educational and other material to assist local screening activities.

(f) The office shall monitor the quality of screening activities provided under this chapter.

Sec. 95.003. COMPLIANCE WITH SCREENING REQUIREMENTS. (a) Each individual required by rules adopted under this chapter to be screened shall undergo approved screening for acanthosis nigricans. The individual shall comply with the requirements as soon as possible after the individual's admission to a school and as required by rule. The individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian may substitute a professional examination for the screening.

(b) An individual is exempt from screening if screening conflicts with the tenets and practices of a recognized church or religious denomination of which the individual is an adherent or a member. To qualify for the exemption, the individual or, if the individual is a minor, the individual's parent, managing conservator, or guardian must submit to the chief administrator of the school on or before the day of the screening procedure an affidavit stating the objections to the screening.

(c) The chief administrator of each school shall ensure that each individual admitted to the school complies with the screening requirements set by the executive council or submits an affidavit of exemption.

Sec. 95.004. RECORDS; REPORTS. (a) The chief administrator of each school shall maintain, on a form prescribed by the executive council, screening records for each individual in attendance, and the records are open for inspection by the office or the local health department.

(b) The office may, directly or through local health departments, enter a school and inspect records maintained by the school relating to screening for acanthosis nigricans.

(c) An individual's screening records may be transferred among schools without the consent of the individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian.

(d) The person performing the screening shall send a report indicating that an individual may have acanthosis nigricans to the individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian. The report must include:

(1) an explanation of acanthosis nigricans and related conditions;

(2) a statement concerning an individual's or family's need for further evaluation of conditions related to acanthosis nigricans; and

(3) instructions to help the individual or family receive evaluation and intervention by the school district.

(e) Each school shall submit to the office an annual report on the screening status of the individuals in attendance during the reporting year and shall include in the report any other information required by the office. The report must be on a form prescribed by the executive council and must be submitted according to the executive council's rules.

(f) Not later than January 15 of each odd-numbered year, the office shall submit to the governor and the legislature a report concerning the effectiveness of the acanthosis nigricans screening program established by this chapter.

(b) This section takes effect only if a specific appropriation for the implementation of this Act is provided in **HB 1** (General Appropriations Act), Acts of the 77th Legislature, Regular Session, 2001. If no specific appropriation is provided in **HB 1**, the General Appropriations Act, this section has no effect.

Amendment No. 1 was adopted without objection.

A record vote was requested.

HB 2510, as amended, was passed by (Record 285): 143 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; Hopson; 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; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Janek; Smithee.

Absent — Allen; Hope; Howard.

STATEMENT OF VOTE

When Record No. 285 was taken, I was in the house but away from my desk. I would have voted yes.

Allen

GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

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

HB 936 ON SECOND READING (by Solis)

HB 936, A bill to be entitled An Act relating to the application of certain laws to local workforce development boards.

Amendment No. 1

Representative Puente offered the following amendment to **HB 936**:

Amend **HB 936** by striking SECTION 6 and renumbering subsequent section appropriately.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Villarreal offered the following amendment to **HB 936**:

Amend **HB 936** as follows:

(1) On page 5, between lines 16 and 17, insert the following:

SECTION 7. Section 171.001(1), Local Government Code, is amended to read as follows:

(1) "Local Public official" means a member of the governing body or another officer, whether elected, appointed, paid, or unpaid, of any district (including a school district), county, municipality, precinct, central appraisal district, transit authority or district, or other local governmental entity who exercises responsibilities beyond those that are advisory in nature, including a local workforce development board created under Section 2308.253, Government Code.

(2) On page 5, line 17, strike "SECTION 7." and substitute "SECTION 8."

Amendment No. 2 was adopted without objection.

HB 936, as amended, was passed to engrossment.

CSHB 1082 ON SECOND READING

(by Thompson, Hamric, Rangel, Y. Davis, Hawley, et al.)

CSHB 1082, A bill to be entitled An Act relating to a prohibition on employment discrimination in compensation; providing penalties.

Representative Thompson moved to postpone consideration of **CSHB 1082** until 10 a.m. tomorrow.

The motion prevailed without objection.

CSHB 2415 ON SECOND READING

(by Giddings, S. Turner, and Hodge)

CSHB 2415, A bill to be entitled An Act relating to an interim study of the marketplace in the state for life insurance issued with a small face amount.

CSHB 2415 was passed to engrossment.

CSHB 3323 ON SECOND READING

(by Solomons, Denny, and Crownover)

CSHB 3323, A bill to be entitled An Act relating to the creation, organization, and powers of a coordinated county transportation authority; authorizing the imposition of a tax, the issuance of bonds and notes, and the exercise of the power of eminent domain.

Amendment No. 1

Representative Solomons offered the following amendment to **CSHB 3323**:

Amend **CSHB 3323** as follows:

(1) On page 1, between lines 13 and 14, insert the following:

(2) "Balance of the county" means that part of the county that is outside the boundaries of a municipality with a population of 12,000 or more.

(2) On page 1, line 14, strike "(2)" and insert "(3)".

(3) On page 1, line 16, strike "(3)" and insert "(4)".

(4) On page 5, line 12, between "municipality" and "located", insert "with a population of more than 500 but less than 12,000".

(5) On page 6, line 6, between "county" and the semicolon, insert "and major thoroughfare plan".

(6) On page 8, line 12, between "municipality" and "may", insert "with a population of 12,000 or more".

(7) On page 8, line 14, between "municipality" and "located", insert "with a population of 12,000 or more".

(8) On page 8, line 18, between "municipality" and "in which", insert "with a population of 12,000 or more".

(9) On page 9, line 13, strike "the balance of" and between "in the" and "county", insert "balance of the".

(10) On page 9, strike lines 23-25 and substitute the following:

(1) a majority of the total votes cast in no municipality with a population of 12,000 or more favors the proposition; and

(11) On page 9, line 26, strike "in the unincorporated area" and substitute "of the qualified voters in the balance".

(12) On page 25, between lines 19 and 20, insert the following:

(d) The authority shall impose a sales and use tax at a minimum uniform rate as determined by the executive committee if the tax is approved at an election in an area that has confirmed the authority.

(e) A municipality with a population of 12,000 or more that has confirmed the authority may impose a sales and use tax at a rate higher than the minimum uniform rate established under Subsection (d) on approval at an election if the authority will provide the municipality a higher level of service.

Amendment No. 1 was adopted without objection.

CSHB 3323, as amended, was passed to engrossment.

HB 3649 ON SECOND READING
(by Merritt)

HB 3649, A bill to be entitled An Act relating to the jurisdiction of and composition of juries in the County Court at Law of Gregg County.

HB 3649 was passed to engrossment.

CSHB 709 ON SECOND READING
(by Danburg)

CSHB 709, A bill to be entitled An Act relating to the maximum number of registered voters an election precinct may contain in certain counties.

CSHB 709 was passed to engrossment. (Williams recorded voting no)

CSHB 35 ON SECOND READING
(by McClendon and Farabee)

CSHB 35, A bill to be entitled An Act relating to the requirements for a meeting of certain governmental bodies held by videoconference call.

CSHB 35 was passed to engrossment.

CSHB 249 ON SECOND READING
(by Pitts)

CSHB 249, A bill to be entitled An Act relating to reports on the extent to which the computer technology and electronically stored information of a state agency or a state contractor are vulnerable to unauthorized access or harm.

CSHB 249 was passed to engrossment.

CSHB 2845 ON SECOND READING
(by Danburg)

CSHB 2845, A bill to be entitled An Act relating to the creation of an initiative to promote the commercialization of fuel cell technologies.

Amendment No. 1

Representative Delisi offered the following amendment to **CSHB 2845**:

Amend **CSHB 2845** by inserting the following appropriately numbered sections:

SECTION __. The Tax Code is amended to include Section 171.090 to read as follows:

Sec. 171.090. EXEMPTION - CORPORATION WITH BUSINESS INTEREST IN FUEL CELL DEVICES. (a) In this section, "fuel cell device" means an electrochemical cell in which the energy of a reaction between a fuel, such as liquid hydrogen, and an oxidant, such as liquid oxygen, is converted directly and continuously into electrical energy. The term includes a mechanical or chemical device that has the ability to store fuel cell-generated energy for use in heating or cooling or in the production of power.

(b) A corporation engaged solely in the business of manufacturing, selling, or installing fuel cell devices is exempted from the franchise tax.

SECTION __. The Tax Code is amended to include Section 171.902 to read as follows:

Sec. 171.902. DEDUCTION OF COST OF FUEL CELL DEVICE FROM TAXABLE CAPITAL OR TAXABLE EARNED SURPLUS APPORTIONED TO THIS STATE. (a) In this section, "fuel cell device" has the meaning assigned to it in section 171.090 of this code.

(b) A corporation may deduct from its apportioned taxable capital the amortized cost of a fuel cell device or from its apportioned taxable earned surplus 10 percent of the amortized cost of a fuel cell device if:

(1) the device is acquired by the corporation for heating or cooling or for the production of power;

(2) the device is used in this state by the corporation; and

(3) the cost of the device is amortized in accordance with Subsection (c) of this section.

(c) The amortization of the cost of a fuel cell device must:

(1) be for a period of at least 60 months;

(2) provide for equal monthly amounts;

(3) begin on the month in which the device is placed in service in this state; and

(4) cover only a period in which the device is in use in this state.

(d) A corporation that makes a deduction under this section shall file with the comptroller an amortization schedule showing the period in which a deduction is to be made. On the request of the comptroller, the corporation shall file with the comptroller proof of the cost of the fuel cell device or proof of the device's operation in this state.

(e) A corporation may elect to make the deduction authorized by this section either from apportioned taxable capital or apportioned taxable earned surplus for each separate regular annual period. An election for an initial period applies to the second tax period and to the first regular annual period.

Amendment No. 1 was withdrawn.

CSHB 2845 was passed to engrossment.

CSHB 1428 ON SECOND READING
(by Longoria)

CSHB 1428, A bill to be entitled An Act relating to the reestablishment of service credit in a public retirement system participating in the proportionate retirement program.

CSHB 1428 was passed to engrossment.

CSHB 253 ON SECOND READING
(by Longoria, Allen, Menendez, and Hopson)

CSHB 253, A bill to be entitled An Act relating to benefits paid to survivors of certain law enforcement officers, firefighters, and other public servants.

A record vote was requested.

CSHB 253 was passed to engrossment by (Record 286): 140 Yeas, 1 Nay, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Danburg; 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; Hopson; 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; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Wohlgemuth.

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

Absent, Excused — Janek; Smithee.

Absent — Corte; Davis, J.; Hope; Howard; Walker.

STATEMENT OF VOTE

When Record No. 286 was taken, I was in the house but away from my desk. I would have voted no.

Howard

CSHB 476 ON SECOND READING
(by Naishtat, Solis, Seaman, and Keffer)

CSHB 476, A bill to be entitled An Act relating to incentive programs and employment services to benefit certain recipients of financial assistance.

CSHB 476 was passed to engrossment. (Delisi and Howard recorded voting no)

CSHB 638 ON SECOND READING
(by **S. Turner**)

CSHB 638, A bill to be entitled An Act relating to contesting a voluntary statement of paternity or acknowledgment of paternity.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 638**:

Amend **CSHB 638** as follows:

- (1) Strike page 3, line 26, through page 4, line 1.
- (2) Strike SECTION 5 of the bill on page 4, lines 9-16, and renumber the remaining SECTION of the bill accordingly.

Amendment No. 1 was adopted without objection.

CSHB 638, as amended, was passed to engrossment.

CSHB 776 ON SECOND READING
(by **Haggerty**)

CSHB 776, A bill to be entitled An Act relating to the implementation, operation, and maintenance of the criminal justice information system.

CSHB 776 was passed to engrossment.

HB 2522 ON SECOND READING
(by **Wilson**)

HB 2522, A bill to be entitled An Act relating to requiring the Texas Department of Transportation to establish and maintain a state airport in Central Texas.

Representative Wilson moved to postpone consideration of **HB 2522** until 10 a.m. Tuesday, May 8.

The motion prevailed without objection.

HB 939 ON SECOND READING
(by **Hodge, A. Reyna, Ehrhardt, Chavez, Dukes, et al.**)

HB 939, A bill to be entitled An Act relating to the application of certain taxes on persons involved in television, motion picture, video, and audio productions.

Amendment No. 1

Representative Hodge offered the following amendment to **HB 939**:

Amend **HB 939** on page 1, line 10, between "motor vehicle" and "in connection", by inserting "used exclusively".

Amendment No. 1 was adopted without objection.

HB 939, as amended, was passed to engrossment. (Howard recorded voting no)

CSHB 1183 ON SECOND READING
(by Capelo)

CSHB 1183, A bill to be entitled An Act relating to the regulation of surgical assistants; granting rulemaking authority; providing penalties.

CSHB 1183 was passed to engrossment. (Corte and Delisi recorded voting no)

CSHB 1279 ON SECOND READING
(by Coleman, Naishtat, and Kitchen)

CSHB 1279, A bill to be entitled An Act relating to the application of certain licensing and registration requirements to activities involving resilient floor-covering material.

(S. Turner in the chair)

CSHB 1279 was passed to engrossment. (Howard recorded voting no)

CSHB 1310 ON SECOND READING
(by Salinas, Kitchen, Olivo, Dunnam, et al.)

CSHB 1310, A bill to be entitled An Act relating to the Texas Teachers' Excellence Program.

Representative Salinas moved to postpone consideration of **CSHB 1310** until 2:30 p.m. today.

The motion prevailed without objection.

HB 1384 ON SECOND READING
(by Dunnam)

HB 1384, A bill to be entitled An Act relating to review of the termination of agreements with certain insurance agents; providing an administrative penalty.

Amendment No. 1

Representative Averitt offered the following amendment to **HB 1389**:

Amend **HB 1384**, committee printing, as follows:

(1) On page 1, strike lines 9-14 and substitute the following:

Sec. 1. DEFINITION. In this article, "agent" means a captive agent who is licensed as a local recording agent or a solicitor as those terms are defined by Section 2, Article 21.14, of this code.

(2) Strike page 3, line 18, through page 9, line 11.

Amendment No. 1 was adopted without objection.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on **SB 1**:

Junell on motion of R. Lewis.

Heflin on motion of R. Lewis.

Gallego on motion of R. Lewis.

Coleman on motion of R. Lewis.

West on motion of R. Lewis.

HB 1384 - (consideration continued)

A record vote was requested.

The vote of the house was taken on **HB 1384** and the vote was announced yeas 71, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 287): 68 Yeas, 67 Nays, 3 Present, not voting.

Yeas — Allen; Bailey; Berman; Bosse; Brown, F.; Burnam; Carter; Cook; Counts; Crabb; Danburg; Deshotel; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Farabee; Farrar; Flores; Garcia; Geren; Glaze; Gray; Gutierrez; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Hopson; Jones, J.; Kitchen; Lewis, G.; Longoria; Martinez Fischer; Maxey; McClendon; Menendez; Merritt; Moreno, J.; Naishtat; Najera; Noriega; Olivo; Pickett; Puente; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Solis; Swinford; Telford; Thompson; Tillery; Turner, B.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wolens; Yarbrough.

Nays — Alexander; Averitt; Brimer; Brown, B.; Callegari; Capelo; Chavez; Chisum; Christian; Clark; Corte; Craddick; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Driver; Elkins; Ellis; George; Giddings; Goodman; Goolsby; Green; Grusendorf; Haggerty; Hamric; Hartnett; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Lewis, R.; Luna; Madden; Marchant; McCall; McReynolds; Miller; Morrison; Mowery; Nixon; Pitts; Ramsay; Reyna, E.; Seaman; Shields; Smith; Solomons; Talton; Truitt; Wohlgemuth; Woolley; Zbraneck.

Present, not voting — Mr. Speaker; Bonnen; Turner, S.(C).

Absent, Excused — Janek; Smithee.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Dutton; Hilbert; Homer; Moreno, P.; Oliveira.

The chair stated that **HB 1384** passed to engrossment by the above vote.

POSTPONED BUSINESS

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

CSHB 1310 ON SECOND READING
(by Salinas, Kitchen, Olivo, Dunnam, et al.)

CSHB 1310, A bill to be entitled An Act relating to the Texas Teachers' Excellence Program.

CSHB 1310 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Salinas offered the following amendment to **CSHB 1310**:

Amend **CSHB 1310**, House Committee Report, as follows:

(1) On page 3, line 25, strike "The" and substitute "To the extent authorized under Subsection (b), the".

(2) On page 4, strike lines 1 and 2 and substitute "selection committee.".

(3) On page 4, line 3, strike "scholarship" and substitute "payment".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives Grusendorf, Kitchen, and Salinas offered the following amendment to **CSHB 1310**:

Amend **CSHB 1310** as follows:

(1) On page 4, line 27, strike "In" and substitute "Subject to Section 21.609, in".

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

Sec. 21.609. EVALUATION OF TEACHERS HOLDING NATIONAL CERTIFICATION. (a) The commissioner shall develop an assessment system for evaluating teachers certified by the National Board for Professional Teaching Standards. The system must:

(1) be based primarily on the academic performance of students taught by those teachers; and

(2) specify criteria a teacher certified by the National Board for Professional Teaching Standards must meet to continue receiving a stipend under Section 21.607.

(b) Using the assessment system developed under Subsection (a), the commissioner shall evaluate teachers certified by the National Board for Professional Teaching Standards who receive a stipend under Section 21.607. A district shall renew a teacher's stipend every three years if the teacher meets the criteria for stipend renewal established by the commissioner.

Amendment No. 2 was adopted without objection.

CSHB 1310, as amended, was passed to engrossment.

**GENERAL STATE CALENDAR
(consideration continued)**

**CSHB 1544 ON SECOND READING
(by Uher, Hupp, and Miller)**

CSHB 1544, A bill to be entitled An Act relating to the release of certain personal information from motor vehicle records and information relating to motor vehicle accident reports; providing penalties.

Amendment No. 1

Representative Uher offered the following amendment to **CSHB 1544**:

Amend **CSHB 1544** as follows:

(1) On page 7, lines 24-26, strike "(E) [~~use in research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual;~~" and substitute "(E) use in research or in producing statistical reports, but only if the personal information is not published, redisclosed, or used to contact any individual;".

(2) On page 7, line 27, strike "[~~F~~]" and substitute "(F)".

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

(4) On page 8, line 7, strike "(~~G~~) [~~H~~]" and substitute "(H)".

(5) On page 8, line 10, strike "(~~H~~) [~~I~~]" and substitute "(I) [".

(6) On page 9, strike lines 9-11 and substitute:

(1) prohibit the disclosure of a person's photographic image to:

(A) a law enforcement agency or a criminal justice agency for an official purpose; or

(B) an agency of this state investigating an alleged violation of a state or federal law relating to the obtaining, selling, or purchasing of a benefit authorized by Chapter 31 or 33, Human Resources Code; or

(7) On page 10, line 3, strike "the same or similar form" and substitute "the identical or a substantially identical format".

Amendment No. 1 was adopted without objection.

CSHB 1544, as amended, was passed to engrossment.

HB 1572 ON SECOND READING **(by Haggerty)**

HB 1572, A bill to be entitled An Act relating to the rights of victims of crime, including participation by victims in certain criminal proceedings and the payment of restitution to victims.

Amendment No. 1

Representative Maxey offered the following amendment to **HB 1572**:

Amend **HB 1572** by adding appropriately numbered Sections to the bill to read as follows and by renumbering existing Sections of the bill accordingly:

SECTION __. Subchapter A, Chapter 56, Code of Criminal Procedure, is amended by adding Article 56.13 to read as follows:

Art. 56.13. CUSTODY AND COURT INFORMATION AND NOTIFICATION SYSTEM. (a) The victim services office of the Texas Department of Criminal Justice shall establish, through funding from the compensation to victims of crime fund, a program to implement and operate a custody and court information and notification system to:

(1) establish a toll-free number that a person anywhere in the state may call 24 hours a day, 365 days a year, for information regarding:

(A) whether an offender has been released or transferred or has escaped from custody;

(B) the location of an offender who has been transferred; and

(C) scheduled public court proceedings and dispositions related to a criminal offense; and

(2) notify the victim, or any concerned individual who has provided the program with an address or telephone number as required by Subsection

(b). by telephone, facsimile, electronic mail, letter, or any other reasonable means when there is a change in:

(A) the custody status of the offender; or

(B) the schedule of a public court proceeding related to the offense.

(b) It is the responsibility of the victim or a concerned individual desiring notice under Subsection (a)(2) to provide the victim services office of the Texas Department of Criminal Justice with the telephone number, facsimile number, electronic mail address, or address of the victim, concerned individual, or other person through whom the victim or individual may be contacted and to notify the victim services office of any change in telephone or facsimile number, electronic mail address, or address of the victim, individual, or other person. Information obtained and maintained by the victim services office under this subsection is privileged and confidential.

(c) A county may elect to participate in the program by receiving computer equipment for county courts and corrections facilities from the victim services office of the Texas Department of Criminal Justice under Subsection (e)(2) and providing information to the victim services office. The victim services office shall notify a victim or a concerned individual immediately if the victim services office receives from a participating county information that:

(1) the offender has been released or transferred;

(2) there has been a change in the schedule for a public court proceeding related to the offense; or

(3) the offender has escaped from custody.

(d) The victim services office of the Texas Department of Criminal Justice shall make available information and notification services provided under this article in English, Spanish, and any other languages selected by the program.

(e) As part of the information and notification system, the victim services office of the Texas Department of Criminal Justice shall:

(1) establish an automated system to notify victims and concerned individuals under Subsection (a)(2) by a computerized telephone service;

(2) provide computer equipment to corrections facilities and courts to enable the corrections facilities and courts to automatically notify the victim services office to enable the victim services office to notify victims and concerned individuals of information regarding the custody status of an offender or a scheduled public court proceeding related to a criminal offense;

(3) establish a service for monitoring the information and notification systems;

(4) establish a project management team for the implementation and ongoing operation of the information and notification system to enable the victim services office to effectively carry out the administration of the information and notification system;

(5) create a secure Internet site for victim advocacy groups selected by the project management team, to view offender information and register victims for written notification; and

(6) provide training or support materials to educate the public, law enforcement, and victim service providers on the services provided by the program under this article.

(f) This article may not be construed as altering any duty that a law enforcement agency has under the laws of this state to notify a crime victim or a person designated by the victim to receive notice.

(g) The victim services office of the Texas Department of Criminal Justice is immune from liability for good faith conduct under this section.

SECTION __. Article 56.541, Code of Criminal Procedure, is amended by adding Subsection (g) to read as follows:

(g) The victims services office of the Texas Department of Criminal Justice shall use money appropriated from the compensation to victims of crime fund for grants or contracts supporting a custody and court information and notification system established under Article 56.13.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Allen offered the following amendment to **HB 1572**:

Amend **HB 1572** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION __. Chapter 36, Code of Criminal Procedure, is amended by adding Article 36.03 to read as follows:

Art. 36.03. INVOCATION OF RULE. (a) Notwithstanding Rule 614, Texas Rules of Evidence, a court at the request of a party may order the exclusion of a witness who for the purposes of the prosecution is a victim, close relative of a deceased victim, or guardian of a victim only if the witness is to testify and the court determines that the testimony of the witness would be materially affected if the witness hears other testimony at the trial.

(b) On the objection of the opposing party, the court may require the party requesting exclusion of a witness under Subsection (a) to make an offer of proof to justify the exclusion.

(c) Subsection (a) does not limit the authority of the court on its own motion to exclude a witness or other person to maintain decorum in the courtroom.

(d) In this article:

(1) "Close relative of a deceased victim" and "guardian of a victim" have the meanings assigned by Article 56.01.

(2) "Victim" means a victim of any criminal offense.

Amendment No. 2 was adopted without objection.

HB 1572, as amended, was passed to engrossment.

LEAVE OF ABSENCE GRANTED

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

Miller on motion of Callegari.

HB 1716 ON SECOND READING

(by Puente, et al.)

HB 1716, A bill to be entitled An Act relating to the establishment and operation of the San Antonio Life Sciences Institute in The University of Texas System.

HB 1716 was passed to engrossment.

HB 3071 ON SECOND READING
(by Chisum)

HB 3071, A bill to be entitled An Act relating to the certification of motor vehicle inspection stations and inspectors.

Amendment No. 1

Representative Chisum offered the following amendment to **HB 3071**:

Amend **HB 3071** to read as follows:

On Page 2, Line 1, strike the existing language of subdivision (3) and replace to read as follows:

(3) a shareholder who receives compensation from the day to day operation of the corporation in the form of a salary.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Madden offered the following amendment to **HB 3071**:

Amend **HB 3071** as follows:

(1) On page 1, line 6, strike "(e), (f), and (g)" and substitute "(e)-(i)".

(2) Strike page 1, line 20, through page 2, line 3, and substitute the following:

(g) The department may not suspend, revoke, or deny a certificate of a person who is primarily responsible for the oversight of inspection operations at an inspection station, who receives compensation for that oversight, and who exerts management control over those operations, unless the inspection station or an inspector of the inspection station commits:

(1) a violation of Subchapter F that directly affects emission reduction benefits; or

(2) a felony under Subchapter I.

(h) It is a defense to a proposed suspension or revocation of an inspection station's certificate under this section for an action committed primarily by an inspector that:

(1) the inspection station had proper controls in place to monitor the activities of the inspector; and

(2) the inspection station does not have a significant history of violations or discrepancies.

(i) The department may not suspend, revoke, or deny all certificates of a person who holds more than one inspection station certificate based on a suspension, revocation, or denial of one of that person's inspection station certificates.

Representative Chisum moved to table Amendment No. 2.

The motion to table prevailed.

Amendment No. 3

Representative G. Lewis offered the following amendment to **HB 3071**:

Amend **HB 3071** as follows:

(1) On page 1, line 6, strike "(e)".

(2) On page 1, lines 7-11, strike Subsection (e) and reletter the subsequent subsections appropriately.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Madden offered the following amendment to **HB 3071**:

Amend **HB 3071** by inserting the following new SECTION immediately below the enacting clause and renumbering subsequent SECTIONS appropriately:

SECTION 1. Subchapter G, Chapter 548, Transportation Code, is amended by adding Section 548.4035 to read as follows:

Sec. 548.4035. ENTRY ONTO PREMISES. (a) A member, employee, or agent of the department may enter an inspection station during normal business hours to conduct an investigation, inspection, or audit of the inspection station or an inspector to determine whether the inspection station or inspector is in compliance with:

(1) this chapter;

(2) department rules under this chapter; or

(3) Chapter 382, Health and Safety Code.

(b) A member, employee, or agent of the department who enters an inspection station for a purpose described by Subsection (a):

(1) shall notify the manager or person in charge of the inspection station of the presence of the member, employee, or agent;

(2) shall present the manager or person in charge of the inspection station with proper credentials identifying the member, employee, or agent as a member, employee, or agent of the department; and

(3) is entitled to have access to emissions testing equipment, inspection records, and any required inspection station certificate or inspector certificate.

(c) A member, employee, or agent of the department who enters an inspection station to conduct an investigation, inspection, or audit under Subsection (a) must observe the inspection station's rules relating to safety, security, and fire protection.

(d) Subsection (b) does not prohibit the department from conducting an undercover investigation or a covert audit of an inspection station.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Madden offered the following amendment to **HB 3071**:

Amend **HB 3071** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Subchapter G, Chapter 548, Transportation Code, is amended by adding Section 548.409 to read as follows:

Sec. 548.409. COMPLAINTS. (a) The department shall adopt rules regarding the efficient handling and investigation of complaints by citizens, applicants, inspectors, and inspection stations against an employee or agent of the department who may investigate the compliance of an inspection station or inspector regarding Subchapter F or rules adopted under Subchapter F or this subchapter.

(b) The rules must provide for a fair, expeditious, and equitable investigation and resolution to complaints received by the department.

Amendment No. 5 was adopted without objection.

HB 3071, as amended, was passed to engrossment.

(Speaker in the chair)

CSHB 1761 ON SECOND READING

(by S. Turner, Chavez, Coleman, Dutton, and Yarbrough)

CSHB 1761, A bill to be entitled An Act relating to the right of an employee to time off from work to meet with certain persons affecting the education of the employee's child.

A record vote was requested.

The vote of the house was taken on **CSHB 1761** and the vote was announced yeas 67, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 288): 68 Yeas, 69 Nays, 1 Present, not voting.

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

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Janek; Miller; Smithee.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Dutton; Hilbert; Moreno, P.; Ramsay.

The speaker stated that **CSHB 1761** failed to pass to engrossment by the above vote. (The vote was reconsidered on May 4, and **CSHB 1761** was passed to engrossment by Record 294.)

HB 1880 ON SECOND READING
(by Swinford, et al.)

HB 1880, A bill to be entitled An Act relating to the creation, operation, and administration of agricultural development districts and granting the power of eminent domain and the authority to issue bonds.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hardcastle, Representative Swinford offered the following committee amendment to **HB 1880**:

Amend **HB 1880** as follows:

(1) On page 9, line 16 after the period add "A certified copy of the order creating the district shall be filed in the real property records in the county in which the district is located, and shall include the legal description of the district."

(2) On Page 15, line 19 after the period add "Notice is not required to be given pursuant to this paragraph unless a certified copy of the order creating the district has been recorded in the real property records in the county in which the land is located, and such order contains the legal description of the district. A purchaser, seller, lender, real estate broker, title insurance company, and title insurance agent may conclusively rely on the recorded certified copy of the order."

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Swinford offered the following amendment to **HB 1880**:

Amend **HB 1880** as follows:

(1) On page 3, strike lines 14-19 and substitute the following:
59. Article XVI, Texas Constitution, to conserve and develop the natural resources of this state, including agricultural resources.

(2) On page 4, line 3, strike "county included within a".

(3) On page 4, line 4, between "district," and "the," insert "five of whom must own real property in the proposed district,".

(4) On page 4, at the end of line 27, insert "consistent with Section 121.001, Civil Practice and Remedies Code,".

(5) On page 10, line 9, strike "Section" and substitute "Sections".

(6) On page 10, line 10, between "60.022(8)" and the period, insert "and (9)".

(7) On page 11, line 11, between "PROJECTS" and the period, insert "; NOTICE".

(8) On page 11, line 11, strike "may" and substitute "shall".

(9) On page 11, line 16, strike "A" and substitute "Each".

(10) On page 11, line 19, strike "that issued" and substitute "of".

(11) On page 11, strike line 20 and substitute "county in which the project is to be located,".

(12) On page 11, between lines 25 and 26, insert the following:

(e) Before the 14th day preceding the date the county commissioners court considers approval of a project not included in the district's creation order, the

district shall notify by mail each person who owns land that is immediately adjacent to the proposed project.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Swinford offered the following amendment to **HB 1880**:

Amend **HB 1880** as follows:

(1) On page 4, line 19, insert "(e) No part of a proposed district may be located within the corporate boundaries of a municipality unless, prior to the formation of the district, the governing body of the municipality consents in writing to the formation of the district within the municipality."

(2) On page 5, line 7, insert "(6) name each municipality in which any part of the district is to be located."

(3) On page 14, line 7, insert "(b) A district may not annex territory within the corporate limits of a municipality unless the governing body of the municipality consents in writing to the annexation."

(4) Make conforming changes to subsequent line numbers.

Amendment No. 3 was adopted without objection.

HB 1880, as amended, was passed to engrossment.

CSHB 2400 ON SECOND READING
(by Geren)

CSHB 2400, A bill to be entitled An Act relating to liability of sponsors of and participants in certain activities involving animals.

CSHB 2400 was passed to engrossment.

CSHB 2436 ON SECOND READING
(by Merritt)

CSHB 2436, A bill to be entitled An Act relating to a requirement that the Bureau of Economic Geology of The University of Texas at Austin conduct a study of the East Texas Oil Field.

Representative Nixon raised a point of order against further consideration of **CSHB 2436** under Rule 5, Section 42 of the House Rules on the grounds that the author of the bill has a personal or private interest in the bill.

The point of order was withdrawn.

CSHB 2436 was passed to engrossment. (Howard recorded voting no)

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 340 ON SECOND READING
(by Keffer)

CSHB 340, A bill to be entitled An Act relating to the acquisition by a county of a public interest in certain roads.

Amendment No. 1

Representative Keffer offered the following amendment to **CSHB 340**:

Amend **CSHB 340** as follows:

(1) On page 2, lines 1-5, strike all beginning with "The commissioners" and substitute the following:

The commissioners court shall appoint a jury of view consisting of five property owners who have no interest in the outcome of the protest to determine, by a majority vote after a public hearing and an examination of the county's road maintenance records and other information, the validity of the county's claim of public interest in the road. A county has a valid claim in a road if it provides written records or other information documenting the county's continuous maintenance of the road beginning before September 1, 1981. The determination of the jury of view is binding on the commissioners court, and the commissioners court shall revise the proposed county road map accordingly.

(2) On page 2, strike lines 24-26 and substitute the following:

(e) The commissioners court may formally adopt the proposed map, as revised after public comment and a determination by the jury of view, only at a public meeting held before the 60th day following the date of the initial public meeting required by Subsection (b).

(3) On page 3, between lines 6 and 7, insert the following:

(h) In this section, "continuous maintenance" means grading or other routine road maintenance beginning before September 1, 1981, and continuing until the date of protest.

(4) On page 3, line 14, between "CONTEST." and "A", insert "(a)".

(5) On page 3, between lines 20 and 21, insert the following:

(b) The county has the burden of proving that the county has continuously maintained, as that term is defined by Section 258.002, the road in question.

(6) On page 3, line 21, between "INTEREST." and "The", insert "(a)".

(7) On page 3, after line 27, insert the following:

(b) The commissioners court shall include a notice of the adoption of the county road map with the ad valorem tax statements for the year after the year in which the county adopts a map under Section 258.002. The notice must include a list of all roads in which the county has claimed a public interest by adoption of the map, the date of the adoption, and the date on which the statute of limitations will bar a landowner from filing a suit in district court to dispute the county's claim.

Amendment No. 2

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

Amend the Keffer amendment to **CSHB 340** on page 1, line 19, by striking "60th" and substituting "90th".

Amendment No. 2 was adopted without objection.

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

Amendment No. 3

Representative B. Turner offered the following amendment to **CSHB 340**:

Amend **CSHB 340** on page 3 by inserting the following after line 27:

Sec. 258.006. TAX ABATEMENT; REVERSION OF INTEREST. (a) A private right, title, or interest held by a person in land underlying a road in which the county has acquired a public interest under this chapter is exempt from ad valorem taxation by any taxing authority.

(b) A right, title, or interest described in Subsection (a) reverts completely to the person who held the right, title, or interest at the time the county acquired the public interest in the land if the county ceases to maintain the road, and the person is liable for all ad valorem taxes levied on that right, title, or interest on or after the reversion.

(c) To levy and collect an ad valorem tax on a right, title, or interest described in Subsection (a) that has reverted to the landowner under Subsection (b), the taxing authority must obtain from the county an order stating that the county has ceased to maintain the road. The owner of the right, title, or interest will be liable for any ad valorem tax levied on the right, title or interest on or after the date of the county's order.

Amendment No. 3 was adopted without objection.

A record vote was requested.

CSHB 340, as amended, was passed to engrossment by (Record 289): 95 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Alexander; Bailey; Bosse; Brimer; Brown, F.; Capelo; Carter; Chavez; Chisum; Christian; Cook; Counts; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Garcia; Geren; Giddings; Glaze; Goolsby; Gray; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Jones, D.; Jones, E.; Jones, J.; Keffer; King, P.; Kitchen; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Seaman; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Turner, B.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wolens; Yarbrough; Zbrank.

Nays — Allen; Averitt; Berman; Bonnen; Brown, B.; Clark; Corte; Crabb; Delisi; Denny; Elkins; George; Green; Grusendorf; Hartnett; Hilderbran; Hill; Hope; Howard; Hupp; Isett; Keel; King, T.; Kolkhorst; Kuempel; Marchant; Merritt; Mowery; Nixon; Ramsay; Reyna, E.; Shields; Smith; Talton; Truitt; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Janek; Miller; Smithee.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Burnam; Callegari; Dutton; Goodman; Hilbert; Krusee; Moreno, J.; Moreno, P.; Turner, S.

CSHB 3254 ON SECOND READING
(by Giddings, S. Turner, and Hodge)

CSHB 3254, A bill to be entitled An Act relating to limitations on certain disciplinary actions by the commissioner of insurance or the Texas Department of Insurance.

CSHB 3254 was passed to engrossment.

SB 1454 ON SECOND READING
(Flores - House Sponsor)

SB 1454, A bill to be entitled An Act relating to the Texas Food for Health Advisory Council.

SB 1454 was considered in lieu of **HB 2443**.

SB 1454 was passed to third reading.

HB 2443 - LAID ON THE TABLE SUBJECT TO CALL

Representative Flores moved to lay **HB 2443** on the table subject to call. The motion prevailed without objection.

CSHB 2618 ON SECOND READING
(by Gray)

CSHB 2618, A bill to be entitled An Act relating to the funding and operation of certain emergency management and disaster relief programs.

CSHB 2618 was passed to engrossment.

CSHB 2686 ON SECOND READING
(by Solis and Seaman)

CSHB 2686, A bill to be entitled An Act relating to tax incentives for certain businesses located in enterprise zones, defense readjustment zones, or certain federally designated zones.

Amendment No. 1

Representative Solis offered the following amendment to **CSHB 2686**:

Amend **CSHB 2686** as follows:

(1) On page 4, line 5, through page 6, line 4, strike SECTIONS 6, 7, and 8 of the bill.

(2) ReNUMBER SECTIONS 9-18 of the bill as SECTIONS 6-15, respectively.

(3) On page 11, line 14, strike "Subsection (c)" and substitute "Subsection (b)".

(4) On page 11, strike lines 23-27.

(5) On page 12, strike lines 1-2 and substitute the following:

(b) Sections 8-13 of this Act take effect January 1, 2003, and apply to a report originally due on or after that date. Notwithstanding any other law, an enterprise project or defense readjustment project designated on or after January 1, 2001, may, beginning on the date the project is designated, establish credits as provided by the changes in law made by Sections 8-13 of this Act but may only claim the credits on reports due on or after January 1, 2003.

(c) Subject to Section 151.429(f), Tax Code, an enterprise project or defense readjustment project designated on or after September 1, 2001, may apply for a refund for which the project is entitled under Sections 151.429(a)(1)-(4), Tax Code, as provided by Section 151.429, Tax Code. The comptroller may pay the refund as provided by Section 151.429, Tax Code, and other law.

(d) Subject to Section 151.429(f), Tax Code, an enterprise project or defense readjustment project designated on or after September 1, 2001, may accrue the right to a refund for which the project is entitled under Sections 151.429(a)(5) and (6), Tax Code, as added by this Act, and may apply for that refund as provided by Section 151.429, Tax Code. However, the comptroller may not pay a refund described by this subsection before September 1, 2003. Notwithstanding any other law, for purposes of determining whether interest accrues on a refund application submitted before September 1, 2003, the comptroller is considered to have made a final decision on the application for the refund on September 1, 2003.

(6) On page 12, line 3, strike "(d)" and substitute "(e)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representatives Oliveira, Capelo, Rangel, Solis, and Seaman offered the following amendment to **CSHB 2686**:

Amend **CSHB 2686** by inserting a new, appropriately numbered SECTION to read as follows:

SECTION __. Section 171.721, Tax Code, is amended to read as follows:
Sec. 171.721. DEFINITIONS. In this subchapter:

(1) "Base amount," "basic research payment," and "qualified research expense" have the meanings assigned those terms by Section 41, Internal Revenue Code, except that all such payments and expenses must be for research conducted within this state.

(2) "Strategic investment area" means an area that is determined by the comptroller under Section 171.726 that is:

(A) a county within this state with above state average unemployment and below state average per capita income; ~~or~~

(B) an area within this state that is a federally designated urban enterprise community or an urban enhanced enterprise community; or

(C) a county within this state that has a spaceport, as defined by Section 4D, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), as added by Chapter 1537, Acts of the 76th Legislature, Regular Session, 1999, within its boundaries.

Amendment No. 2 was adopted without objection.

CSHB 2686, as amended, was passed to engrossment.

CSHB 2728 ON SECOND READING (by Crownover)

CSHB 2728, A bill to be entitled An Act relating to regulation of the issuance of a security under a certain compensation plan established by the issuer of the security or a participating subsidiary of the issuer.

CSHB 2728 was passed to engrossment.

CSHB 2766 ON SECOND READING**(by Delisi)**

CSHB 2766, A bill to be entitled An Act relating to repayment assistance for certain education loans owed by certain state attorneys.

CSHB 2766 was passed to engrossment. (Denny and Keel recorded voting no)

CSHB 1615 ON SECOND READING**(by Maxey, Gray, and Chavez)**

CSHB 1615, A bill to be entitled An Act relating to the regulation and reimbursement of telemedicine medical services.

Representative Maxey moved to postpone consideration of **CSHB 1615** until 10 a.m. Thursday, May 10.

The motion prevailed without objection.

CSHB 2856 ON SECOND READING**(by Martinez Fischer)**

CSHB 2856, A bill to be entitled An Act relating to certain criminal offenses involving bail bond activity; increasing a penalty.

CSHB 2856 was passed to engrossment.

HB 2957 ON SECOND READING**(by P. King)**

HB 2957, A bill to be entitled An Act relating to authorized investments for certain public money.

HB 2957 was passed to engrossment.

HB 2976 ON SECOND READING**(by Dukes)**

HB 2976, A bill to be entitled An Act relating to the funding of the State Office of Risk Management.

HB 2976 was passed to engrossment.

CSHB 660 ON SECOND READING**(by Seaman, Solis, Keffer, Zbranek, Yarbrough, et al.)**

CSHB 660, A bill to be entitled An Act relating to career and technology education and training.

Amendment No. 1

Representative Solis offered the following amendment to **CSHB 660**:

Amend **CSHB 660** by striking SECTIONS 11 and 12 and renumbering the subsequent sections appropriately.

Amendment No. 1 was adopted without objection.

CSHB 660, as amended, was passed to engrossment.

CSHB 1806 ON SECOND READING**(by Menendez, J. Moreno, Martinez Fischer, Haggerty, Villarreal, et al.)**

CSHB 1806, A bill to be entitled An Act relating to notice requirements for certain applicants for certain alcoholic beverage licenses and permits.

Amendment No. 1

Representative Menendez offered the following amendment to **CSHB 1806**:

Amend **CSHB 1806** as follows:

(1) On page 1, line 11, between "address" and "located", insert "and established neighborhood association".

(2) On page 2, line 22, between "address" and "located", insert "and established neighborhood association".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Menendez offered the following amendment to **CSHB 1806**:

Amend **CSHB 1806** as follows:

(1) On page 1, line 23, between "day" and "before", insert "and not later than the 7th day".

(2) On page 3, line 7, between "day" and "before", insert "and not later than the 7th day".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Villarreal offered the following amendment to **CSHB 1806**:

Amend **CSHB 1806** by adding the following appropriately numbered SECTION of the bill and renumbering the remaining SECTIONS of the bill as appropriate:

SECTION _____. Section 61.32(c), Alcoholic Beverage Code, is amended to read as follows:

(c) In the case of an application to sell beer at retail, the county judge may give due consideration to any recommendations made by representatives of the commission, the state senator who represents the area in question, the state representative who represents the area in question, the county commissioner who represents the area in question, or the sheriff or county or district attorney of the county where the license is sought, or the mayor, city council member or commissioner who represents the area in question, or chief of police of the incorporated city where the applicant seeks to conduct business.

Amendment No. 3 was adopted without objection.

CSHB 1806, as amended, was passed to engrossment.

CSHB 3123 ON SECOND READING**(by Alexander and B. Turner)**

CSHB 3123, A bill to be entitled An Act relating to the standards for determining whether land qualifies for appraisal for ad valorem tax purposes as open-space land based on its use for wildlife management.

CSHB 3123 was passed to engrossment.

CSHB 3473 ON SECOND READING
(by Naishtat)

CSHB 3473, A bill to be entitled An Act relating to prohibiting employer retaliation against certain employees who report child abuse or neglect.

CSHB 3473 was passed to engrossment.

CSHB 3604 ON SECOND READING
(by Najera)

CSHB 3604, A bill to be entitled An Act relating to the requirements for the connection of land to utility service in certain subdivisions in certain counties.

Amendment No. 1

Representative Najera offered the following amendment to **CSHB 3604**:

Amend **CSHB 3604** as follows:

(1) On page 1, line 5, strike "(c) and (e)" and substitute "(c), (e), and (f)".

(2) On page 3, after line 27, insert the following:

(f) A person requesting service may obtain a certificate under Subsection (c)(2) only if the person provides to the commissioners court an affidavit that states that the property was not sold or conveyed to that person from a subdivider or the subdivider's agent:

(1) after September 1, 1995; or

(2) after September 1, 1999, if the subdivided land on August 31, 1999, was located in the extraterritorial jurisdiction of a municipality as determined by Chapter 42.

Amendment No. 1 was adopted without objection.

CSHB 3604, as amended, was passed to engrossment.

HB 396 ON SECOND READING
(by Wise, Chavez, Keel, and Garcia)

HB 396, A bill to be entitled An Act relating to the requirement that an applicant for a driver's license provide certain identification information to the Department of Public Safety.

Amendment No. 1

Representative Averitt offered the following amendment to **HB 396**:

Amend **HB 396** by inserting the following new SECTION, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 20.063, Election Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) Except as provided by Subsection (e), the [The] Department of Public Safety shall provide to each person who applies in person at the department's offices for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected license or card an opportunity to complete a voter registration application form.

(e) The Department of Public Safety may not provide a voter registration

application form to a person described by Subsection (a) who presents as proof of identity a document described by Section 521.142(a)(3), Transportation Code, or a duplicate original birth certificate issued by another country or a certified copy of a birth certificate issued by another country unless the person also presents acceptable proof that the person is a United States citizen.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hupp offered the following amendment to **HB 396**:

Amend **HB 396** by adding a new section to the bill, appropriately numbered, to read as follows, and renumbering subsequent sections accordingly:

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

(b) The application must include[-:

~~(1) the thumbprints of the applicant or, if thumbprints cannot be taken, the index fingerprints of the applicant, and~~
(2)] a brief description of the applicant.

Amendment No. 2 was adopted without objection.

Amendment No. 2 - Vote Reconsidered

Representative Shields moved to reconsider the vote by which Amendment No. 2 was adopted.

The motion to reconsider prevailed.

Representative Shields moved to table Amendment No. 2.

A record vote was requested.

The motion to table prevailed by (Record 290): 77 Yeas, 57 Nays, 2 Present, not voting.

Yeas — Alexander; Averitt; Bailey; Bosse; Burnam; Capelo; Carter; Chavez; Cook; Davis, Y.; Deshotel; Dukes; Dunnam; Edwards; Ehrhardt; Ellis; Farabee; Farrar; Flores; Garcia; Giddings; Glaze; Goodman; Green; Gutierrez; Hartnett; Hawley; Hinojosa; Hochberg; Hodge; Hope; Hopson; Howard; Hunter; Jones, D.; Jones, E.; Jones, J.; Keel; King, P.; Kitchen; Kolkhorst; Longoria; Luna; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Moreno, J.; Morrison; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Shields; Solis; Talton; Tillery; Turner, S.; Uresti; Villarreal; Wise; Wohlgemuth; Wolens; Yarbrough; Zbranek.

Nays — Allen; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Chisum; Christian; Clark; Corte; Crabb; Craddick; Crownover; Danburg; Davis, J.; Delisi; Denny; Driver; Eiland; Elkins; George; Geren; Goolsby; Grusendorf; Haggerty; Hamric; Hardcastle; Hilderbran; Hill; Homer; Hupp; Isett; Keffer; King, T.; Kuempel; Lewis, G.; Lewis, R.; Madden; Marchant; McCall; Merritt; Mowery; Pickett; Raymond; Seaman; Smith; Solomons; Swinford; Telford; Thompson; Truitt; Turner, B.; Uher; Walker; Williams; Wilson; Woolley.

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

Absent, Excused — Janek; Miller; Smithee.

Absent, Excused, Committee Meeting — Coleman; Gallego; Heflin; Junell; West.

Absent — Callegari; Dutton; Gray; Hilbert; Krusee; Moreno, P.

HB 396, as amended, was passed to engrossment.

CSHB 365 ON SECOND READING
(by Hinojosa, McClendon, et al.)

CSHB 365, A bill to be entitled An Act relating to the punishment for a capital offense.

Representative Hinojosa moved to postpone consideration of **CSHB 365** until 10 a.m. Tuesday, May 8.

The motion prevailed without objection.

RULES SUSPENDED

Representative Walker moved to suspend the 5-day posting rule to allow the Committee on Land and Resource Management to consider **HB 2141** on Monday, May 7.

The motion prevailed without objection.

HR 940 - ADOPTED
(by Tillery)

Representative Tillery moved to suspend all necessary rules to take up and consider at this time **HR 940**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 940, Congratulating Al Granoff on the opening of Eccolo and extending to him sincere best wishes for continued success in the years to come.

HR 940 was read and was adopted without objection.

On motion of Representative Danburg, the names of all the members of the house were added to **HR 940** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Tillery, who introduced the Honorable Al Granoff, former member of the house of representatives, and proprietor of Eccolo Italian Restaurant.

HR 939 - ADOPTED
(by Bosse)

Representative Bosse moved to suspend all necessary rules to take up and consider at this time **HR 939**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 939, Honoring Father Anton Sheltz of Houston on his 25th anniversary as a priest.

HR 939 was adopted without objection.

On motion of Representative D. Jones, the names of all the members of the house were added to **HR 939** as signers thereof.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Transportation, upon adjournment today, Desk 25, for a formal meeting.

Rules and Resolutions, upon adjournment today, speakers committee room, for a formal meeting, to consider the calendar.

Economic Development, upon adjournment today, Desk 124, for a formal meeting.

Public Education, upon adjournment today, Desk 102, for a formal meeting, to consider pending matters.

State Recreational Resources, upon adjournment today, Desk 28, for a formal meeting, to consider **SB 305**

Ways and Means, upon adjournment today, Desk 61, for a formal meeting, to consider pending bills.

Judicial Affairs, upon adjournment today, Desk 67, for a formal meeting, to consider **HB 3697**.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

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.)

ADJOURNMENT

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

The motion prevailed without objection.

The house accordingly, at 5:47 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HCR 273 (By McReynolds), In memory of Pauline DeBerry of Lufkin.
To Rules & Resolutions.

HR 926 (By Delisi), Honoring the memory of Wythel Louween Killen "Kitty" Mayborn of Temple.
To Rules & Resolutions.

HR 927 (By Delisi), Honoring Brenda King on her retirement from Killeen ISD.
To Rules & Resolutions.

HR 928 (By P. King), Congratulating Dr. David Naugle of Dallas Baptist University on his selection as a 2000 Piper Professor.
To Rules & Resolutions.

HR 929 (By P. King), Honoring Dona Brewer of Weatherford on her retirement from the Texas Agricultural Extension Service.
To Rules & Resolutions.

HR 932 (By Garcia), Honoring Dr. Gloria L. Velasquez of California Polytechnic University on the occasion of her appearance in Dallas as a guest author with the Voces Latinas: Hispanic Reading Series for Young Adults.
To Rules & Resolutions.

HR 933 (By Danburg), Honoring the Montrose Clinic in Houston on the occasion of its 20th anniversary.
To Rules & Resolutions.

SB 101 to Public Health.

SB 344 to Ways & Means.

SB 579 to Public Education.

SB 929 to Urban Affairs.

SB 1100 to Higher Education.

SB 1160 to Land & Resource Management.

SB 1173 to Financial Institutions.

SB 1246 to Public Health.

SB 1377 to Judicial Affairs.

SB 1413 to Criminal Jurisprudence.

SB 1432 to Juvenile Justice & Family Issues.

SB 1467 to Insurance.

SB 1485 to Financial Institutions.

SB 1488 to Appropriations.

SB 1520 to Transportation.

SB 1564 to Urban Affairs.

SB 1569 to Pensions & Investments.

SB 1571 to Insurance.

SB 1581 to Financial Institutions.

SB 1654 to Civil Practices.

SB 1797 to Higher Education.

SCR 50 to Public Education.

SJR 49 to Judicial Affairs.

SIGNED BY THE SPEAKER

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

House List No. 44

HB 1545, HCR 59, HCR 151, HCR 152, HCR 161, HCR 164, HCR 166, HCR 167

Senate List No. 21

SB 247, SB 365, SB 522, SB 523, SB 693, SB 795, SB 862, SB 1171

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, May 3, 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 569 Cain

Relating to the use of certain revenue by certain municipalities that have territory within the boundaries of certain airports.

SB 1109 Bernsen

Relating to the use of the Galveston-Port Bolivar ferry operated by the Texas Department of Transportation.

SB 1145 Staples

Relating to a local option election on alcoholic beverage zones in municipal commercial areas.

SB 1369 Van de Putte

Relating to pro bono community service programs to provide certain legal services and to participation in those programs for continuing legal education credit.

SB 1646 Bernsen

Relating to conferring on the Coastal Water Authority the power to abandon or deconstruct a canal, ditch, or lateral; changing the qualifications of the authority's board of directors; and authorizing the authority to issue refunding bonds.

Respectfully,

Betty King
Secretary of the Senate

Message No. 2MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, May 3, 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 197** Solomons SPONSOR:Shapiro

Relating to the threshold contract amount at which certain political subdivisions are required to engage in a competitive purchasing procedure.

HB 444 Madden SPONSOR:Shapiro

Relating to the requirements for write-in candidates in an election for city officers.

(COMMITTEE SUBSTITUTE)

- HB 757** Coleman SPONSOR:Bernsen
Relating to the establishment of a task force to eliminate health and health access disparities in Texas.
(COMMITTEE SUBSTITUTE)
- HB 769** King, Phil SPONSOR:West, Royce
Relating to the fees imposed in certain child support cases.
- HB 898** Thompson SPONSOR:Brown, J. E. "Buster"
Relating to the administration of certain property of incapacitated persons, wards, and former wards.
- HB 997** King, Phil SPONSOR:Harris
Relating to the time in which a court may conduct a hearing or render a final order in a suit to terminate the parent-child relationship.
- HB 1041** Smith SPONSOR:Harris
Relating to the jurisdiction of County Criminal Court No. 10 of Tarrant County.
- HB 1100** Lewis, Ron SPONSOR:Bernsen
Relating to the presumption that certain vessels and other watercraft are located in this state only temporarily for ad valorem tax purposes.
- HB 1132** Thompson SPONSOR:Bernsen
Relating to guardianships and other related matters concerning incapacitated persons.
(COMMITTEE SUBSTITUTE)
- HB 1178** Wohlgemuth SPONSOR:Zaffirini
Relating to the regulation of child-care facilities and agencies.
(COMMITTEE SUBSTITUTE)
- HB 1632** King, Phil SPONSOR:Harris
Relating to certain requirements in connection with suits for the termination of the parent-child relationship and the adoption of children.
- HB 1634** King, Phil SPONSOR:Harris
Relating to certain payments allowed in an adoption case.
- HB 1679** Bosse SPONSOR:Cain
Relating to the operation of certain vehicle combinations that exceed maximum weight limitations.
- HB 1790** Clark SPONSOR:Haywood
Relating to the requirement of notifying the parent or guardian of a child who is referred to juvenile court but who is not taken into custody.
- HB 1881** Hilderbran SPONSOR:Wentworth
Relating to the juvenile board of Kendall County.
- HB 1979** Chavez SPONSOR:Shapleigh
Relating to the creation of additional statutory county courts in El Paso County and to the administration, jurisdiction, and operation of statutory and district courts in that county.

- HB 2220** Martinez Fischer SPONSOR:Madla
Relating to the authorized use of an unmarked vehicle by a municipal employee to conduct an investigation involving suspected fraud or other mismanagement.
- HB 2275** Giddings SPONSOR:Wentworth
Relating to the attorney general providing certain child support enforcement information to the parties to a suit and to the public.
- HB 2428** Goodman SPONSOR:Shapiro
Relating to the confidentiality of certain records of a court-appointed volunteer advocate program.
- HCR 119** Crabb SPONSOR:Lindsay
Supporting the continued search for missing United States military personnel and civilians.
- HCR 201** Hunter SPONSOR:Truan
Memorializing the U.S. Congress to take appropriate action to prevent further desecration of the SS Leopoldville or any of its contents.
- SB 283** Nelson
Relating to special disease management programs for certain recipients of medical assistance under the Medicaid managed care program.
- SB 284** Nelson
Relating to streamlining reporting requirements and inspection procedures under the Medicaid managed care program.
- SB 542** Nelson
Relating to the authority of the commissioners court of a county to meet and transact business in a location other than the county seat.
- SB 560** Sibley
Relating to the regulation of certain consumer transactions involving real property.
- SB 771** Harris
Relating to a consumers' guide for employers regarding health benefit plans.
- SB 779** Duncan
Relating to the creation of an agricultural lien.
- SB 982** Duncan
Relating to establishing uniform minimum ethics requirements for persons involved in the management or investment of state funds.
- SB 1007** Barrientos
Relating to the exemption from ad valorem taxation of property owned by charitable organizations that provide child-care services.
- SB 1020** Nelson
Relating to the authority of certain law enforcement agencies to remove certain personal property from a roadway or right-of-way.
- SB 1029** Lindsay
Relating to the confidentiality of certain information maintained by certain health care providers.

SB 1116 Armbrister

Relating to the responsibility for and allocation of renewable energy resources by a generation and transmission electric cooperative.

SB 1179 Gallegos

Relating to alternative dispute resolution procedures in certain police departments.

SB 1270 Bernsen

Relating to the harassment of persons by individuals confined in certain juvenile detention or correctional facilities; providing penalties.

SB 1271 Bernsen

Relating to the punishment for escape committed by certain juveniles detained in a secure detention facility or a secure correctional facility operated by or under contract with a juvenile board.

SB 1378 Armbrister

Relating to criminal and civil fees.

SB 1379 Armbrister

Relating to the implementation of a change in law imposing or changing the amount of certain court costs and fees.

SB 1429 West, Royce

Relating to establishing at Prairie View A&M University a center for relationship violence prevention and intervention.

SB 1434 Ogden

Relating to the appointment and duties of magistrates for certain courts of Brazos County.

SB 1515 Lucio

Relating to the acquisition of vehicles by the Texas Department of Transportation.

SB 1516 Lucio

Relating to the issuance of certain special license plates by the Texas Department of Transportation.

SB 1536 Madla

Relating to the establishment of pilot projects to demonstrate the applications of technology in providing certain services under the medical assistance program.

SB 1542 Van de Putte

Relating to the deferred collection of delinquent ad valorem taxes imposed on the residence homestead of a disabled person.

SB 1621 Barrientos

Relating to discrimination against tenants of federally subsidized or assisted housing converted to market rate housing.

SB 1713 Van de Putte

Relating to the carrying of weapons by peace officers and by special investigators.

SB 1793 Sibley

Relating to meetings of the commissioner of insurance with the board of directors of certain guaranty associations.

SB 1794 Nelson

Relating to the creation of municipal courts of record in Trophy Club located in Tarrant and Denton counties.

SB 1796 Brown, J. E. "Buster"

Relating to the assumption of road utility district authority by the Baybrook Municipal Utility District No. 1, including the authority to impose taxes and issue bonds.

SB 1810 Sibley

Relating to the creation of a county court at law in Hood County.

SB 1811 Sibley

Relating to the dissolution of the DeLeon Hospital District and the Comanche County Hospital District and the creation of the Comanche County Consolidated Hospital District.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, May 3, 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:**HCR 127** Lewis, Glenn SPONSOR: Moncrief

Honoring Julie Euseppi for her outstanding service to the office of State Representative Glenn O. Lewis.

HCR 141 Lewis, Glenn SPONSOR: Moncrief

Honoring Gloria Zuniga of Brownwood, an intern in State Representative Glenn O. Lewis's district office, for her outstanding service.

HCR 263 Chisum SPONSOR: Bivins

Honoring Richard L. "Rick" Crawford for his exceptional public service to the State of Texas.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 149 (viva-voce vote)

SB 607 (30 Yeas, 0 Nays, 1 Present Not Voting)

SB 739 (30 Yeas, 0 Nays, 1 Present Not Voting)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 65

Senate Conferees: Moncrief - Chair/Bernsen/Carona/Nelson/Sibley

SB 187

Senate Conferees: Shapleigh - Chair/Bernsen/Duncan/Gallegos/Van de Putte

SB 577

Senate Conferees: Bivins - Chair/Ogden/Sibley/West, Royce/Whitmire

Respectfully,

Betty King

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Thursday, May 3, 2001 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 85 Lucio

Relating to the punishment for a capital offense.

SB 350 Truan

Relating to wage rates paid by or on behalf of certain school districts on public works projects.

SB 527 Moncrief

Relating to taking regulatory action against assisted living facilities, including the imposition of administrative penalties.

SB 745 Shapleigh

Relating to sanctions that may be imposed on certain school districts.

SB 1312 Staples

Relating to the authority of certain retired peace officers to carry certain weapons.

SB 1313 Staples

Relating to the creation of the offense of failing to report the commission of a felony.

SB 1367 Van de Putte

Relating to the transportation of an unsecured child in a motor vehicle; providing penalties.

SB 1470 Moncrief

Relating to the creation of a pilot program for certain juveniles with mental illness and placed on probation by a juvenile court.

SB 1707 Van de Putte

Relating to certain practices of title insurance companies in providing area and boundary coverage.

SB 1814 Ellis, Rodney

Relating to the tuition for law school and graduate and professional pharmacy courses at public institutions of higher education.

Respectfully,

Betty King

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 2

Business & Industry - **HB 2187**

Civil Practices - **SB 536, SB 561**

County Affairs - **HB 3695, SB 870, SB 1073, SB 1167, SB 1789**

Criminal Jurisprudence - **HB 225, HB 800**

Economic Development - **SB 429**

Higher Education - **HB 3699, SB 40, SB 837**

Human Services - **SB 772, SB 1376**

Insurance - **HB 3444, SB 327, SB 431, SB 601**

Juvenile Justice & Family Issues - **SB 769, SB 1683**

Public Education - **HB 1276**

Public Health - **SB 533**

Public Safety - **HB 1236, HB 1926, SB 890, SB 968**

State Affairs - **HB 3154, SB 694**

Transportation - **HB 1375, HB 2043, HB 3480, SB 1154**

Ways & Means - **HB 2496, HB 2582, HB 2757, HB 2978, HB 3364, SB 1037**

ENGROSSED

May 2 - **HB 658, HB 820, HB 893, HB 1004, HB 1566, HB 2033, HB 2097, HB 2190, HB 2246, HB 2262, HB 2273, HB 2531, HB 2550, HB 2691, HB 2809, HB 2888, HB 2987, HB 3040, HB 3064, HB 3149, HB 3294, HB 3313, HJR 97**

ENROLLED

May 2 - **HB 82, HB 360, HB 372, HB 440, HB 453, HB 536, HB 537, HB 538, HB 630, HB 642, HB 666, HB 675, HB 906, HB 924, HB 957, HB 1083, HB 1130, HB 1179, HB 1545, HB 1664, HCR 14, HCR 15, HCR 16, HCR 17, HCR 18, HCR 19, HCR 20, HCR 21, HCR 22, HCR 23, HCR 24, HCR 25, HCR 26, HCR 27, HCR 28, HCR 51, HCR 52, HCR 53, HCR 54, HCR 55, HCR 56, HCR 57, HCR 58, HCR 59, HCR 60, HCR 61, HCR 62, HCR 63, HCR 64, HCR 65, HCR 66, HCR 67, HCR 68, HCR 69, HCR 70, HCR 71, HCR 72, HCR 73, HCR 146, HCR 147, HCR 148, HCR 149, HCR 150, HCR 151, HCR 152, HCR 153, HCR 154, HCR 155, HCR 156, HCR 157, HCR 158, HCR 159, HCR 160, HCR 161, HCR 162, HCR 163, HCR 164, HCR 165, HCR 166, HCR 167, HCR 168, HCR 169, HCR 170, HCR 171, HCR 172, HCR 173, HCR 253, HCR 266**

SENT TO THE GOVERNOR

May 2 - **HB 82, HB 360, HB 372, HB 440, HB 453, HB 536, HB 537, HB 538, HB 630, HB 642, HB 666, HB 675, HB 906, HB 924, HB 957, HB 1083, HB 1130, HB 1179, HB 1664, HCR 14, HCR 15, HCR 16, HCR 17, HCR 18, HCR 19, HCR 20, HCR 21, HCR 22, HCR 23, HCR 24, HCR 25, HCR 26, HCR 27, HCR 28, HCR 51, HCR 52, HCR 53, HCR 54, HCR 55, HCR 56, HCR 57, HCR 58, HCR 60, HCR 61, HCR 62, HCR 63, HCR 64, HCR 65, HCR 66, HCR 67, HCR 68, HCR 69, HCR 70, HCR 71, HCR 72, HCR 73, HCR 146, HCR 147, HCR 148, HCR 149, HCR 150, HCR 153, HCR 154, HCR 155, HCR 156, HCR 157, HCR 158, HCR 159, HCR 160, HCR 162, HCR 163, HCR 165, HCR 168, HCR 169, HCR 170, HCR 171, HCR 172, HCR 173, HCR 253, HCR 266**