

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTY-THIRD DAY — SATURDAY, MAY 26, 2001

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

The roll of the house was called and a quorum was announced present (Record 614).

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

Absent, Excused — Hilbert.

The invocation was offered by Representative Edwards.

LEAVE OF ABSENCE GRANTED

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

Hilbert on motion of Haggerty.

PROVIDING FOR A CONGRATULATORY AND MEMORIAL CALENDAR

Representative Edwards moved to suspend all necessary rules to set a congratulatory and memorial calendar for 10 a.m. Monday, May 28.

The motion prevailed without objection.

(Longoria in the chair)

HCR 320 - ADOPTED (by B. Turner)

The following privileged resolution was laid before the house:

HCR 320

WHEREAS, **HB 247** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

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

RESOLVED by the 77th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 247** in amended Section 11.143(a), Water Code, between "11.142(a)" and "~~[11.142 of this code]~~", by inserting "or (b)".

HCR 320 was adopted without objection.

**HR 1347 - ADOPTED
(by Pickett)**

Representative Pickett moved to suspend all necessary rules to take up and consider at this time **HR 1347**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1347, Honoring the birth of Chrystofer Anthony Pickett.

HR 1347 was adopted without objection.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 70).

COMMITTEES GRANTED PERMISSION TO MEET

Representative Junell requested permission for all conference committees to meet while the house is in session for the remainder of the session.

Permission to meet was granted without objection.

**SCR 72 - ADOPTED
(Hopson - House Sponsor)**

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **SCR 72**.

The motion prevailed without objection.

The following resolution was laid before the house:

SCR 72, In memory of Allen Grobe of Palestine, a former speaker of the Texas Silver-Haired Legislature.

SCR 72 was unanimously adopted by a rising vote.

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. 37).

HR 1340 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1340**, suspending the limitations on the conferees for **HB 154**.

HR 1344 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1344**, suspending the limitations on the conferees for **HB 2932**.

HR 1346 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1346**, suspending the limitations on the conferees for **HB 393**.

**HR 1176 - ADOPTED
(by Shields)**

Representative Shields moved to suspend all necessary rules to take up and consider at this time **HR 1176**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1176, Honoring Winston Churchill High School senior Nicole Melton for winning the Class 5A individual girls state golf title.

HR 1176 was adopted without objection.

**HR 1203 - ADOPTED
(by Shields)**

Representative Shields moved to suspend all necessary rules to take up and consider at this time **HR 1203**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1203, Honoring Hidden Forest Elementary School for being selected as a national Blue Ribbon School.

HR 1203 was adopted without objection.

**HR 1241 - ADOPTED
(by Goolsby)**

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 1241**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1241, Honoring Randy and Megan Cooley of Grapevine on their recent marriage.

HR 1241 was read and was adopted without objection.

HR 1286 - ADOPTED
(by Bailey)

Representative Bailey moved to suspend all necessary rules to take up and consider at this time **HR 1286**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1286, Honoring Jack Drake for his civic leadership in Greenspoint.

HR 1286 was adopted without objection.

HR 1287 - ADOPTED
(by Bailey)

Representative Bailey moved to suspend all necessary rules to take up and consider at this time **HR 1287**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1287, Honoring Vic and Donna Mauldin on the occasion of the 25th anniversary of The Northeast News.

HR 1287 was adopted without objection.

HR 1288 - ADOPTED
(by Bailey)

Representative Bailey moved to suspend all necessary rules to take up and consider at this time **HR 1288**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1288, Honoring M. B. "Sonny" Donaldson on his retirement as superintendent of Aldine ISD.

HR 1288 was adopted without objection.

HR 1348 - ADOPTED
(by Solis)

Representative Solis moved to suspend all necessary rules to take up and consider at this time **HR 1348**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1348, Honoring the 15th anniversary of Community Oriented Primary Care Association, Inc., of Brownsville.

HR 1348 was adopted without objection.

(Speaker in the chair)

**HJR 81 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HJR 81, A joint resolution proposing a constitutional amendment providing for the issuance of additional general obligation bonds by the Texas Water Development Board.

Representative Counts moved to discharge the conferees and concur in the senate amendments to **HJR 81**.

A record vote was requested.

The motion prevailed by (Record 615): 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; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Hilderbran; Keel.

STATEMENT OF VOTE

When Record No. 615 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HJR 81** as follows:

In SECTION 1 OF THE RESOLUTION, strike Subsection (a) of added Section 49-d-9, Article III, Texas Constitution, (Senate Committee Printed Version, page 1) and substitute the following:

"(a) The Texas Water Development Board may issue additional general obligation bonds, at its determination, for one or more accounts of the Texas Water Development Fund II, in an amount not to exceed \$2 billion. Of the additional general obligation bonds authorized to be issued, \$50 million of those bonds shall be used for the water infrastructure fund as provided by law."

**HB 2914 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 2914, A bill to be entitled An Act relating to state fiscal matters.

Representative Bonnen moved to discharge the conferees and concur in the senate amendments to **HB 2914**.

A record vote was requested.

The motion prevailed by (Record 616): 148 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; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

The Speaker stated that **HB 2914** was passed subject to the provisions of Article III, Section 49a, of the Texas Constitution.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2914** as follows:

1) In SECTION 2 of the bill, on page 1, line 34, between "Resources" and "under", insert "or the Texas State Library and Archives Commission".

2) In SECTION 10 of the bill, on page 4, strike lines 11-15 and substitute the following:

"(b) Intellectual property is excepted from required disclosure under Chapter 552:

(1) beginning on the date the comptroller decides to seek a patent, trademark, service mark, collective mark, certification mark, or other evidence of protection of exclusivity concerning the property; and

(2) ending on the date the comptroller receives a decision about the comptroller's application for a patent, trademark, service mark, collective mark, certification mark, or other evidence of protection of exclusivity concerning the property."

3) In SECTION 18 of the bill, on page 9, strike lines 25-29, and substitute the following:

~~[Sec. 447.004. MODEL CODES. The energy management center may recommend model energy conservation building codes to municipalities for use in enacting or amending municipal ordinances.]~~

4) In SECTION 24 of the bill, on page 13, line 32, strike "and" and substitute "or".

5) In SECTION 40 of the bill, on page 24, line 45, between "is" and "amended", insert "reenacted and".

6) In SECTION 42 of the bill, on page 25, line 3, between "is" and "amended", insert "reenacted and".

7) Insert the following appropriately numbered SECTION:

"SECTION _____. Section 2175.242(c), Government Code, is amended to read as follows:

(c) This subchapter does not affect Section 403.273, which provides for the deletion from state property accounting records of a state agency's missing property ~~[on the state auditor's authorization]."~~

8) In SECTION 49 of the bill, on page 28, strike lines 25-27 and substitute the following:

"(d) For purposes of this section, the renewal, amendment, or extension of a contract executed on or before September 1, 1993, is considered to be the execution of a new contract."

9) Strike SECTION 51 of the bill, (page 28, lines 46-57) and substitute the following:

"SECTION 51. Section 2251.025(b), Government Code, is amended as follows:

(b) Interest accrues on an [An] overdue payment ~~[bears interest]~~ at the rate of one percent each month."

10) In SECTION 53 of the bill, on page 29, line 20, strike "is not suspended" and substitute "does not stop accruing".

11) In SECTION 54 of the bill, on page 29, strike lines 33-39, and substitute the following:

"Sec. 2251.026. Payment of Interest by State Agency. (a) A state agency is liable for any interest that accrues on an overdue payment under this chapter and shall pay the interest from funds appropriated or otherwise available to the agency at the same time the principal is paid. ~~[(a) If the warrant for a payment the originating state agency owes is not mailed or electronically transmitted before the payment is overdue, the agency is liable for an interest payment that accrues under this chapter:]"~~

12) In SECTION 54 of the bill, on page 29, strike lines 48-62, and substitute the following:

"state agency under this chapter if the comptroller is responsible for issuing a warrant or initiating an electronic funds transfer to pay the principal amount on behalf of the agency.

(d) A state agency shall determine the amount of interest that accrues on an overdue payment by the agency under this chapter if the comptroller is not responsible for issuing a warrant or initiating an electronic funds transfer to pay the principal amount on behalf of the agency. ~~[(c) The~~.

13) In SECTION 54 of the bill, on page 29, after line 66, insert the following:

"(e) The comptroller or state agency shall submit the interest payment with the net amount due for the goods or services."

14) In SECTION 54 of the bill, renumber subsections (e)-(h) in Section 2251.026, Government Code to conform.

15) In SECTION 63 of the bill, on page 31, line 35, between "section" and the period, insert "provided that the required payment date be no earlier than the 30th day after the last day of the reporting period in which the fees are collected".

16) In SECTION 65 of the bill, on page 32, line 14, between "comptroller" and the period, insert "provided that the required payment date be no earlier than the 30th day after the last day of the reporting period in which the surcharge is collected".

17) In SECTION 68 of the bill, on page 32, line 66, between "commission." and "The" insert "The cost of the audit shall not be assessed against the service provider."

18) In SECTION 79 of the bill, on page 36, line 34, strike "71" and substitute "72".

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 2914** by inserting new SECTIONS appropriately numbered to read as follows and renumbering the SECTIONS of the bill appropriately:

SECTION _____. Section 659.043(a), Government Code is amended to read as follows:

(a) A state employee is entitled to longevity pay to be included in the employee's monthly compensation if the employee:

- (1) is a full-time state employee on the first workday of the month;
- (2) is not on leave without pay on the first workday of the month;

and

(3) has accrued at least three [~~five~~] years of lifetime service credit not later than the last day of the preceding month.

SECTION _____. Section 659.044, Government Code is amended to read as follows:

(a) The monthly amount of longevity pay is \$20 [~~\$4~~] for every three years [~~each year~~] of lifetime service credit.

(b) The amount increases when the 6th, 9th, 12th, 15th, 18th, 21st, 24th, 27th, 30th, 33rd, 36th, 39th, and 42nd [~~10th, 15th, 20th, 25th, 30th, 35th, and 40th~~] years of lifetime service credit are accrued.

(c) An increase is effective beginning with the month following the month in which the 6th, 9th, 12th, 15th, 18th, 21st, 24th, 27th, 30th, 33rd, 36th, 39th, and 42nd [~~10th, 15th, 20th, 25th, 30th, 35th, and 40th~~] years of lifetime service credit are accrued.

(d) An employee may not receive from the state as longevity pay more than \$20 [~~\$4~~] for every three [~~each~~] years of lifetime service credit, regardless of the number of positions the employee holds or the number of hours the employee works each week.

Senate Amendment No. 3 (Senate Floor Amendment No. 3)

Amend **HB 2914** by inserting a new SECTION appropriately numbered to read as follows and renumbering the SECTIONS of the bill appropriately:
SECTION _____. Section 466.355, Government Code, is amended by adding Subsection (c) to read as follows:

(c) Each August the comptroller shall:

(1) estimate the amount to be transferred to the foundation school fund on or before September 15; and

(2) notwithstanding Subsection (b)(4), transfer the amount estimated in Subdivision (1) to the foundation school fund before August installment payments are made under Section 42.259, Education Code.

Senate Amendment No. 4 (Senate Floor Amendment No. 4)

Amend **HB 2914** (Senate Committee Printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subsection (d), Section 51.0031, Education Code, is amended to read as follows:

(d) As used in this section, "prudent person standard" is the standard of care described in Article VII, Section 11b, of the Texas Constitution, and means that standard of judgment and care that prudent investors, exercising reasonable care, skill, and caution, would acquire or retain in light of the purposes, terms, distribution requirements, and other circumstances of the fund then prevailing, taking into consideration the investment of all the assets of the fund rather than a single investment [~~persons of ordinary prudence, discretion, and intelligence exercise in the management of their affairs in regard to the investments of their funds considering probable income as well as probable safety of their capital~~].

SECTION _____. Subsection (a), Section 163.004, Property Code, is amended to read as follows:

(a) A [~~Except as provided by Subsection (e), the~~] governing board may appropriate for expenditure, for the uses and purposes for which the fund is established, the net appreciation, realized and unrealized, in the fair market value of the assets of an endowment fund over the historic dollar value of the fund to the extent prudent under the standard provided by Section 163.007.

SECTION _____. Subsection (e), Section 163.004, Property Code, is repealed.

Senate Amendment No. 5 (Senate Floor Amendment No. 5)

Amend **HB 2914** by adding a new SECTION, appropriately numbered, to read as follows and renumbering subsequent SECTIONS appropriately:

SECTION _____. In addition to other amounts appropriated by the 77th Legislature, Regular Session, 2001, for the biennium beginning September 1, 2001, and subject to the restrictions provided under Articles II and IX, **SB 1**, Acts of the 77th Legislature, Regular Session, 2001 (General Appropriations

Act), and contingent on **HB 2604**, Acts of the 77th Legislature, Regular Session, 2001, becoming law, the Texas Forest Service is appropriated 15 million dollars for the fiscal year beginning September 1, 2002, from the Volunteer Fire Department Assistance Fund. The Texas Forest Service shall spend money appropriated by this section for the purpose of administering the Rural Volunteer Fire Department Assistance Program.

Senate Amendment No. 6 (Senate Floor Amendment No. 5A)

Amend Floor Amendment No. 5 by Duncan to **HB 2914** as follows:

Amend **HB 2914** by adding the following to the caption:

"; making an appropriation"

Senate Amendment No. 7 (Senate Floor Amendment No. 6)

Amend **HB 2914** by adding a new SECTION, appropriately numbered, to read as follows, and renumbering subsequent SECTIONS appropriately:

SECTION _____. (a) As part of the transfer of personnel and appropriations made by **HB 819**, Acts of the 77th Legislature, Regular Session, 2001:

(1) any appropriation to the Texas Department of Economic Development relating to the Office of Rural Affairs is transferred to the Department of Agriculture, including no less than \$212,612 each fiscal year of the 2002-2003 biennium; and

(2) no fewer than 4.0 full-time equivalent positions must be transferred by the Texas Department of Economic Development to the Department of Agriculture.

(b) This section takes effect September 1, 2001, only if **HB 819**, Acts of the 77th Legislature, Regular Session, 2001, becomes laws.

Senate Amendment No. 8 (Senate Floor Amendment No. 7)

Amend **HB 2914** as follows:

(1) Insert the following appropriately numbered SECTIONS to take effect September 1, 2001:

"SECTION _____. Section 404.101, Government Code, is amended to read as follows:

Sec. 404.101. DEFINITIONS. In this subchapter:

(1) "Advisory board" means the Texas treasury safekeeping trust company investment advisory board.

(2) "Participant" means the state, agencies and local political subdivisions of the state, and nonprofit corporations, foundations, and other charitable organizations created on behalf of the state or an agency or local political subdivision of the state authorized to deposit money and securities with the trust company.

(3) "The state and its agencies" includes the Employees Retirement System of Texas and the Teacher Retirement System of Texas.

(4) [~~(2)~~] "Trust company" means the Texas Treasury Safekeeping Trust Company.

SECTION _____. Section 404.103, Government Code, is amended by amending Subsection (b) and adding Subsections (e), (f), and (g) to read as follows:

(b) The trust company may enter into contracts, ~~and~~ trust agreements, or other fiduciary instruments with the comptroller, the Federal Reserve System, a depository trust company, and other third parties. The trust company shall be liable under those contracts in accordance with the terms contained in the contracts. Notwithstanding any other statute to the contrary, to the extent permitted by the Texas Constitution and the contracts, trust agreements, or other fiduciary instruments between the trust company, the Federal Reserve System, and a depository trust company, the trust company's obligations shall be guaranteed by the state, and the state expressly waives all defenses of governmental immunity by and on behalf of the trust company, the comptroller, and the state and expressly consents to sue and be sued in federal court or in any court of competent jurisdiction. However, this provision does not alter or affect the immunity accorded to state officials and employees under state law. The trust company may enter into contracts with the comptroller and the Federal Reserve System to provide any services that the Federal Reserve System makes available, including:

(1) safekeeping book-entry United States Treasury and agency securities owned by the state and its agencies;

(2) using the federal reserve wire transfer system to transfer money and book-entry securities and to settle securities transactions involving book-entry United States Treasury and agency securities owned by the state and its agencies;

(3) collecting, through the Federal Reserve System, checks deposited with the treasury;

(4) receiving payments from and making payments to the federal government on behalf of the state and its agencies;

(5) originating automated clearinghouse transactions or other electronic transfers to make payments on behalf of the state and its agencies, collecting revenues due the state and its agencies, and transferring money between state depositories;

(6) paying warrants drawn on the treasury and presented through the Federal Reserve System for payment; and

(7) safekeeping collateral pledged to secure deposits of public funds.

(e) The trust company may hire employees and may fix their compensation and prescribe their duties or may contract with the comptroller's office for staff support.

(f) The trust company shall develop a fee schedule in the amount necessary to recover costs of service and to retain adequate reserves to support the operations of the trust company.

(g) The trust company is exempt from other state laws regulating or limiting state purchasing or a purchasing decision if the trust company determines that the purchase or decision relates to the fiduciary duties of the trust company. The trust company shall make all purchases of goods and services using purchasing methods that ensure the best value to the trust company and its participants. In determining best value, the trust company may consider the best value standards applicable to state agencies as enumerated in Section 2155.074. The trust company shall develop a plan of operation that includes procedures and standards for the purchases of goods and services using best value methods.

SECTION _____. Subsection (c), Section 404.104, Government Code, is amended to read as follows:

(c) The comptroller shall submit to the Legislative Budget Board an audited report regarding the operations of the trust company. The trust company may contract with a certified public accountant or the state auditor to [shall] conduct an independent audit of the operations of the trust company. This subsection does not affect the state auditor's authority to conduct an audit of the trust company in accordance with Chapter 321.

SECTION _____. Section 404.105, Government Code, is amended to read as follows:

Sec. 404.105. CAPITAL OR RESERVE [REQUIREMENTS]. The trust company shall hold [have] capital stock and [or] reserve balances outside the treasury in an amount required by applicable regulatory bodies for eligibility for federal reserve services, for participation in a depository trust company, and as necessary to achieve its purposes under Section 404.103[~~, but the amount may not be more than \$1 million~~]. The stock of the trust company is an authorized investment for state funds and shall be held by the comptroller, but the amount may not be more than \$1 million.

SECTION _____. Section 404.106, Government Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(a) Any net earnings of the trust company attributable to capital stock or investments of capital stock shall be credited annually to the account of the treasury and shall be allocated annually to the funds held and managed by the comptroller in accordance with Section 404.071(a).

(d) The trust company may hold reserve balances or securities as required by the Federal Reserve System or as required for participation in a depository trust company.

SECTION _____. Section 404.107, Government Code, is amended to read as follows:

Sec. 404.107. FEES. (a) Any fees or assessments imposed by state law for the incorporation, regulation, or operation of trust companies do not apply to the Texas Treasury Safekeeping Trust Company.

(b) Agencies and local political subdivisions of the state and nonprofit corporations, foundations, and other charitable organizations created on behalf of the state or an agency or local political subdivision of the state that are authorized or required to deposit money and securities with the trust company shall pay the fees established on the trust company's fee schedule.

SECTION _____. Subchapter G, Chapter 404, Government Code, is amended by adding Sections 404.108 through 404.116 to read as follows:

Sec. 404.108. TRUST COMPANY INVESTMENT ADVISORY BOARD.

(a) The comptroller may appoint an investment advisory board to advise the comptroller with respect to managing the assets held by the trust company. The advisory board shall provide the comptroller guidance on the investment philosophy that should be pursued in managing the assets under the trust company's control. The advisory board serves in an advisory capacity only and is not a fiduciary with respect to the assets held by the trust company.

(b) The advisory board is composed of seven members appointed by the comptroller with the advice of the governor, lieutenant governor, and speaker of the house of representatives.

(c) The members of the advisory board must have knowledge of or experience in finance, including the management of funds or business operations.

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

(e) Each member of the advisory board must be a resident of this state.

(f) The creation, size, composition, and duration of the advisory board is governed exclusively by this subchapter. Chapter 2110 does not apply to the size, composition, or duration of the advisory board.

Sec. 404.109. RESTRICTIONS ON ADVISORY BOARD APPOINTMENT, MEMBERSHIP, AND EMPLOYMENT. A person is not eligible for appointment to the advisory board if the person or the person's spouse:

(1) is employed by or participates in the management of a business entity or other organization receiving funds from the trust company;

(2) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization receiving funds from the trust company; or

(3) receives money from the business entity or other organization receiving funds from the trust company that exceeds five percent of the person's gross income for the preceding calendar year.

Sec. 404.110. REMOVAL OF ADVISORY BOARD MEMBERS. The comptroller may remove from the advisory board an advisory board member at will or for any of the following causes:

(1) at the time of the member's appointment, the member did not have the qualifications prescribed by Section 404.108 or was ineligible under Section 404.109;

(2) while serving on the advisory board, the member does not maintain the qualifications prescribed by Section 404.108 or becomes ineligible for appointment under Section 404.109;

(3) for a substantial portion of the member's term, the member is unable to discharge the member's duties because of illness or disability; or

(4) without being excused by a majority vote of the advisory board, the member is absent from more than one-third of the regularly scheduled board meetings that the members is eligible to attend during calendar year.

Sec. 404.111. ADVISORY BOARD MEMBER TRAINING. (a) Before a member of the advisory board may assume the member's duties, the member must complete at least one course of the training program established under this section.

(b) A training program established under this section shall provide information regarding:

(1) the role and functions of the trust company;

(2) the assets managed by and programs operated by the trust company; and

(3) the statutes applicable to the trust company, including Chapters 551, 552, and 2001.

Sec. 404.112. COMPENSATION; EXPENSES. Members of the advisory board serve without compensation but are entitled to reimbursement for actual

and necessary expenses in attending meetings of the advisory board or performing other official duties authorized by the comptroller.

Sec. 404.113. MEETINGS. (a) The advisory board may meet as often as necessary, but shall meet at least twice each year.

(b) Advisory board meetings are subject to Chapter 551.

Sec. 404.114. INVESTMENT MANAGEMENT. (a) The comptroller may delegate investment authority and may contract with private professional investment managers to manage or assist in managing assets held by the trust company.

(b) The comptroller may delegate a power or duty relating to the investment of assets held by the trust company to an employee or agent of the comptroller, including professional investment managers.

Sec. 404.115. PERSONNEL. (a) The comptroller may appoint a person to serve as chief executive officer in managing the trust company and carrying out the policies of the trust company. The chief executive officer and employees of the trust company serve at the will of the comptroller.

(b) The comptroller may delegate any of the comptroller's duties to the chief executive officer and trust company employees.

(c) The chief executive officer or the chief executive officer's designee shall develop a career ladder program and a system of compensation necessary to retain qualified staff.

(d) The chief executive officer or the chief executive officer's designee shall develop a system of annual performance evaluations. Merit pay for trust company employees must be based on the system established under this subsection.

(e) The chief executive officer or the chief executive officer's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel decisions are made without regard to race, color, disability, religion, age, or national origin.

(f) The chief executive officer shall appoint an internal auditor for the trust company. The appointment of the internal auditor must be approved by the comptroller. The comptroller may require the internal auditor to submit certain reports directly to the comptroller.

(g) Except as provided by this section and Section 404.103(e), trust company employees hired under this subchapter are state employees for all purposes, including accrual of leave time, insurance benefits, retirement benefits, and travel regulations, Chapter 104, Civil Practice and Remedies Code, and Chapter 501, Labor Code.

Sec. 404.116. LIABILITY INSURANCE FOR CERTAIN BOARD MEMBERS, OFFICIALS, AND STAFF. (a) The trust company may purchase or otherwise acquire insurance to protect members of the advisory board and the trust company staff.

(b) Insurance purchased or acquired by the trust company under this section may:

(1) protect against any type of liability to third persons that might be incurred while conducting trust company business; and

(2) provide for all costs of defending against such liability, including court costs and attorney's fees.

(c) This section does not authorize the purchase or acquisition of insurance to protect against liability not described in Subsection (b)."

(2) Renumber the existing SECTIONS of the bill and revise cross-references to existing SECTIONS of the bill accordingly.

Senate Amendment No. 9 (Senate Floor Amendment No. 8)

Amend **HB 2914** by adding appropriately new numbered sections to read as follows:

SECTION _____. Subchapter C, Chapter 311, Government Code, is amended by adding Section 311.034 to read as follows:

Sec. 311.034. WAIVER OF SOVEREIGN IMMUNITY. In order to preserve the legislature's interest in managing state fiscal matters through the appropriations process, a statute shall not be construed as a waiver of sovereign immunity unless the waiver is effected by clear and unambiguous language. In a statute, the use of "person," as defined by Section 311.005 to include governmental entities, does not indicate legislative intent to waive sovereign immunity unless the context of the statute indicates no other reasonable construction.

SECTION _____. Section 2260.005, Government Code, is amended to read as follows:

Sec. 2260.005. EXCLUSIVE PROCEDURE. Subject to Section 2260.007, the [The] procedures contained in this chapter are exclusive and required prerequisites to suit in accordance with Chapter 107, Civil Practice and Remedies Code.

SECTION _____. Subchapter A, Chapter 2260, Government Code, is amended by adding Section 2260.007 to read as follows:

Sec. 2260.007. LEGISLATIVE PERMISSION TO SUE. (a) Notwithstanding Section 2260.005, the legislature retains the authority to deny or grant a waiver of immunity to suit against a unit of state government by statute, resolution, or any other means the legislature may determine appropriate.

(b) This chapter does not and may not be interpreted to:

(1) divest the legislature of the authority to grant permission to sue a unit of state government on the terms, conditions, and procedures that the legislature may specify in the measure granting the permission;

(2) require that the legislature, in granting or denying permission to sue a unit of state government, comply with this chapter; or

(3) limit in any way the effect of a legislative grant of permission to sue a unit of state government unless the grant itself provides that this chapter may have that effect.

Senate Amendment No. 10 (Senate Floor Amendment No. 10)

Amend **HB 2914**, on page 7, after line 9 (Committee Printing) by adding the following as new SECTION 17 and renumbering subsequent sections accordingly:

SECTION 17. Chapter 403, Government Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. PRODUCT DEVELOPMENT
AND SMALL BUSINESS INCUBATORS

Sec. 403.401. DEFINITIONS. In this subchapter:

(1) "Board" means the Product Development and Small Business Incubator Board.

(2) "Comptroller" includes the designee of the comptroller.

(3) "Financing" means a loan, loan guarantee, or equity investment from the product fund to a person for use in the development and production of a product in this state, or a grant, loan, or loan guarantee from the small business fund to a person for use in the development of a small business in this state.

(4) "Office" means the office of the comptroller.

(5) "Product" includes an invention, device, technique, or process, without regard to whether a patent has been or could be granted, that has advanced beyond the theoretical stage and has or is readily capable of having a commercial application. The term does not include pure research.

(6) "Product fund" means the Texas product development fund.

(7) "Program" means the product development program or the small business incubator program.

(8) "Small business fund" means the Texas small business incubator fund.

Sec. 403.402. PRODUCT DEVELOPMENT AND SMALL BUSINESS INCUBATOR BOARD. (a) The Product Development and Small Business Incubator Board is created in the office.

(b) The board shall administer the programs, the product fund, and the small business fund.

Sec. 403.403. MEMBERS OF THE BOARD; APPOINTMENT; TERMS OF OFFICE. (a) The board consists of the comptroller and eight persons appointed by the governor.

(b) In appointing members of the board, the governor shall appoint:

(1) two persons having significant business leadership experience in technology, particularly experience with the transfer of research results into commercial applications;

(2) two persons employed by institutions of higher education of this state who have experience in technological research and its commercial applications;

(3) two persons experienced and knowledgeable in structuring and providing financing for technological products or businesses; and

(4) two persons who reside in a county of this state with above state average unemployment and below state average per capita income and who have experience and knowledge in technology-related business growth.

(c) Appointed members of the board serve two-year staggered terms with the terms of four members expiring February 1 of each odd-numbered year and the terms of four members expiring February 1 of each even-numbered year.

(d) The comptroller is the presiding officer of the board.

(e) The board shall appoint a secretary of the board whose duties may be prescribed by law and by the board.

(f) Appointed members of the board serve without pay but are entitled to reimbursement for their actual expenses incurred in attending meetings of the

board or in performing other work of the board if that work is approved by the comptroller.

Sec. 403.404. REMOVAL OF BOARD MEMBER. (a) It is a ground for removal from the board if an appointed member:

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

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

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

Sec. 403.405. TRAINING OF BOARD MEMBERS. (a) Before an appointed member of the board may assume the member's duties, the member must complete at least one course of the training program established under this section.

(b) A training program established under this section shall provide information to the member regarding:

(1) the enabling legislation that created the board;

(2) the programs operated by the board;

(3) the role and functions of the board;

(4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the board;

(6) the results of the most recent formal audit of the board;

(7) the requirements of the:

(A) open meetings law, Chapter 551;

(B) open records law, Chapter 552; and

(C) administrative procedure law, Chapter 2001;

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

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

Sec. 403.406. MEETINGS. (a) The board shall hold regular meetings in Austin and other meetings at places and times scheduled by the board in formal sessions and called by the comptroller.

(b) The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

(c) The board shall make minutes of all meetings available in the board's office for public inspection.

Sec. 403.407. APPLICABILITY OF OPEN MEETINGS LAW AND ADMINISTRATIVE PROCEDURE LAW. The board is subject to the open meetings law, Chapter 551, and the administrative procedure law, Chapter 2001.

Sec. 403.408. STAFF. (a) The employees of the comptroller selected by the comptroller for that purpose serve as the staff of the board.

(b) The comptroller shall select and supervise the staff of the board and perform other duties delegated to the comptroller by the board.

(c) The comptroller shall provide to members of the board and to board staff, as often as necessary, information regarding their qualifications for office or employment under this subchapter and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

(d) The board shall develop and implement policies that clearly separate the policy-making responsibilities of the board and the management responsibilities of the comptroller and the office.

Sec. 403.409. PROGRAM AND FACILITY ACCESSIBILITY. (a) The board shall comply with federal and state laws related to program and facility accessibility.

(b) The board shall prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the board's programs and services.

Sec. 403.410. POWERS OF THE BOARD; BONDS. (a) The board has the powers necessary and reasonable to carry out this subchapter and may adopt rules, policies, and procedures necessary or reasonable to implement this subchapter.

(b) The board may issue general obligation bonds, up to the amounts authorized and as provided by Section 71, Article XVI, Texas Constitution, to fund the program.

(c) Not more than an amount equal to five percent of the total amount of bonds issued may be used to pay administrative fees involved in selling the bonds.

Sec. 403.411. TEXAS PRODUCT DEVELOPMENT FUND. (a) The Texas product development fund is a revolving fund in the state treasury.

(b) The product fund is composed of proceeds of bonds issued under this subchapter, financing application fees, loan repayments, guarantee fees, royalty receipts, dividend income, money appropriated by the legislature for authorized purposes of the product fund, amounts received by the state from loans, loan guarantees, and equity investments made under this subchapter, amounts received by the state from federal grants or other sources, and any other amounts received under this subchapter and required by resolution of the board to be deposited in the product fund. The product fund contains a program account, an interest and sinking account, and other accounts that the board authorizes to be created and maintained. Money in the product fund is available for use by the board under this subchapter. Notwithstanding any other provision of this subchapter, any money in the product fund may be used for debt service.

(c) Money in the program account of the product fund, minus the costs of issuance of bonds under this subchapter and necessary costs of administering the product fund, may be used only to provide financing to aid in the development and production, including the commercialization, of new or improved products in this state. The board shall provide financing from the product fund on the terms and conditions that the board determines to be reasonable, appropriate, and consistent with the purposes and objectives of the product fund and this subchapter, for the purpose of aiding in the development and production of new or improved products in this state.

Sec. 403.412. SMALL BUSINESS INCUBATOR FUND. (a) The Texas small business incubator fund is a revolving fund in the state treasury.

(b) The small business fund is composed of proceeds of bonds issued under this subchapter, financing application fees, loan repayments, guarantee fees, royalty receipts, dividend income, money appropriated by the legislature for authorized purposes of the small business fund, amounts received by the state from loans, loan guarantees, and equity investments made under this subchapter, amounts received by the state from federal grants or other sources, and any other amounts received under this subchapter and required by resolution of the board to be deposited in the small business fund. The small business fund contains a project account, an interest and sinking account, and other accounts that the board authorizes to be created and maintained. Money in the small business fund is available for use by the board under this subchapter. Notwithstanding any other provision of this subchapter, any money in the small business fund may be used for debt service.

(c) Money in the project account of the small business fund, minus the costs of issuance of bonds under this subchapter and necessary costs of administering the small business fund, may be used only to provide financing to foster and stimulate the development of small businesses in this state. The board shall provide financing from the small business fund on the terms and conditions that the board determines to be reasonable, appropriate, and consistent with the purposes and objectives of the small business fund and this subchapter, for the purpose of fostering and stimulating the development of new or existing small businesses in this state.

Sec. 403.413. ELIGIBLE PRODUCTS AND BUSINESSES; FINANCING.

(a) Financing may be made under this subchapter only for a product or small business approved by the board.

(b) In determining eligible products and small businesses, the board shall give special preference to products or businesses in the areas of biotechnology and biomedicine that have the greatest likelihood of commercial success, job creation, and job retention in this state. The board shall give further preference to providing financing to projects or businesses that are:

(1) grantees under the small business innovation research program established under 15 U.S.C. Section 638, as amended;

(2) companies formed in this state to commercialize research funded at least in part with state funds;

(3) applicants that have acquired other sources of financing;

(4) companies formed in this state and receiving assistance from designated state small business development centers; or

(5) applicants who are residents of this state doing business in this state and performing financed activities predominantly in this state.

(c) The board shall adopt rules governing the terms and conditions of the financing, specifically including requirements for appropriate security or collateral, equity interest, and the rights and remedies of the board and office in the event of a default on the loan. The rules must include a requirement that applicants report to the board on the use of money distributed through either fund.

(d) Before approving the provision of financing to a person, the board shall enter into an agreement with the person under which the board will obtain an appropriate portion of royalties, patent rights, equitable interests, or a combination of those royalties, rights, and interests from or in the product or

proceeds of the product for which financing is requested. Contracts executed under this subchapter must include agreements to ensure proper use of funds and the receipt of royalties, patent rights, or equity interest, as appropriate.

(e) The board may appoint an advisory committee of experts in the areas of biotechnology and biomedicine to review projects and businesses seeking financing from the board.

(f) The amount of financing provided to a single recipient may not exceed 10 percent of the total amount of bonds issued.

(g) A claim of the state for a payment owed to the state under this subchapter by a person who has been provided financing has priority over all other claims against the person.

Sec. 403.414. APPLICATION PROCESS. (a) To apply for financing from the board, an applicant shall submit to the board:

(1) an application for financing on a form prescribed by the board;
and

(2) a reasonable application fee set by the board.

(b) The application must include a business plan, containing the information required by the board, including at a minimum:

(1) information regarding:

(A) the history and financial condition of the applicant, including the applicant's income statement;

(B) the applicant's present markets and market prospects; and

(C) the integrity of the applicant's management;

(2) a statement of the feasibility of the product for which financing is requested, including the state of development of any product to be developed and the proposed schedule of its commercialization; and

(3) if applicable, documentation of attempts to obtain private financing.

(c) The board shall determine, with respect to each application for financing, whether:

(1) the product or business for which financing is requested is economically sound;

(2) there is a reasonable expectation that the product or business will be successful;

(3) the product or business will create or preserve jobs and otherwise benefit the economy of the state;

(4) the applicant has the management resources and other funding to complete the project;

(5) financing is necessary because full financing is unavailable in traditional capital markets or credit has been offered on terms that would preclude the success of the project; and

(6) there is reasonable assurance that the potential revenues to be derived from the sale of the product will be sufficient to repay any financing approved by the board.

(d) After considering the application and all other information it considers relevant, the board shall approve or deny the application and promptly notify the applicant of its decision.

Sec. 403.415. INFORMATION CONFIDENTIAL. (a) Information described by Subsection (b) collected, assembled, or maintained by or for the

board is confidential and may not be disclosed by the board, the comptroller, or the office.

(b) This section applies to information in any form provided by or on behalf of an applicant for financing or a recipient of financing under this subchapter, including information contained in, accompanying, or derived from any application or report, that relates to a product, to the development, application, manufacture, or use of a product, or to the markets, market prospects, or marketing of a product, and that is proprietary information of actual or potential commercial value to the applicant or recipient that has not been disclosed to the public. Confidential information includes scientific and technological information, including computer programs and software, and marketing and business operation information, regardless of whether the product to which the information relates is patentable or capable of being registered under copyright or trademark laws or has a potential for being sold, traded, or licensed for a fee. This section does not make confidential information in an account, voucher, or contract relating to the receipt or expenditure of public funds by the board or the comptroller under this subchapter.

(c) Any application for financing that is withdrawn by the applicant before approval or funding or that is denied by the board shall be returned to the applicant promptly on request, together with all materials submitted by or on behalf of the applicant that relate to the application, except that the board may retain a record of the submission and disposition of the application that does not include any information described by Subsection (b).

Sec. 403.416. PROGRAM COORDINATION. The board and office shall coordinate the administration and funding of the programs.

Senate Amendment No. 11 (Senate Floor Amendment No. 11)

Amend **HB 2914** by adding the following section and renumbering appropriately:

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

SECTION _____. Subchapter K, Chapter 659, Government Code, is amended by adding Sections 659.2551 and 659.2552 to read as follows:

Sec. 659.2551. PERFORMANCE LINKED TO AGENCY GOALS. Each state agency shall adopt policies to ensure that an employee's performance expectations are linked to the goals in the agency's strategic plan adopted under Chapter 2056.

Sec. 659.2552. TASK FORCE TO EVALUATE EMPLOYEE COMPENSATION SYSTEMS. (a) The task force is composed of:

(1) a representative of:

(A) the governor's office, appointed by the governor;

(B) the state auditor's office, appointed by the state auditor;

(C) the comptroller's office, appointed by the comptroller; and

(D) the Legislative Budget Board, appointed by the director;

and

(2) the following representatives, appointed by the governor:

(A) three representatives from state agencies that employ fewer than 100 full-time employees;

(B) three representatives from state agencies that employ at least 100 but fewer than 1,000 full-time employees; and

(C) three representatives from state agencies that employ 1,000 or more full-time employees.

(b) The representative of the state auditor's office shall serve as the presiding officer of the task force.

(c) The task force shall:

(1) evaluate the strengths and weaknesses of the current merit increase system for compensating employees;

(2) identify statewide opportunities for funding pay-for-performance policies and practices to supplement current efforts at recruiting and retaining employees; and

(3) provide recommendations on those matters to the legislature not later than January 1, 2003.

(d) A member of the task force serves at the will of the appointing entity.

Senate Amendment No. 12 (Senate Floor Amendment No. 13)

Amend **HB 2914** (senate committee printing) by:

(1) adding the following section to the bill, numbered appropriately; and

(2) renumbering the sections of the bill accordingly:

SECTION _____. (a) **RETROFITTING OF RECIPROCATING INTERNAL COMBUSTION ENGINES ASSOCIATED WITH PIPELINES:**

Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.051865 to read as follows:

Sec. 382.051865. REIMBURSEMENT PROGRAM FOR CERTAIN EMISSIONS REDUCTIONS FROM RECIPROCATING INTERNAL COMBUSTION ENGINES ASSOCIATED WITH PIPELINES. (a) The commission by rule may develop a program for the reduction of emissions of nitrogen oxides from reciprocating internal combustion engines associated with pipelines that are required by this subchapter to reduce hourly emissions of nitrogen oxides by at least 50 percent. In developing a program under this section the commission must cooperate with:

(1) local governments;

(2) agencies, departments, and political subdivisions of the state; and

(3) the United States and its agencies.

(b) The commission may authorize the executive director to enter into contracts with a public agency, private person, or other entity for the purpose of implementing the emissions reduction program developed under this section.

(c) The emissions reduction program may include incentives as developed by the commission for nitrogen oxides emissions reduction projects for reciprocating internal combustion engines described by Subsection (a), including a partial reimbursement for the capital cost of installing technology to reduce the emissions. The incentives may be applied only to expenses of projects to achieve those reductions of a reciprocating internal combustion engine's hourly emission's of nitrogen oxides only to the extent the reductions exceed 30 percent and do not exceed 50 percent of the engine's emissions before modification.

(d) Rules adopted under this section must include criteria for the determining eligibility for an emissions reduction project incentive under the program. To be eligible under the criteria, a facility must:

(1) be subject to the requirement under this subchapter that it reduce emissions by 50 percent;

(2) be reducing its hourly emissions of nitrogen oxides by at least 50 percent; and

(3) be located in the East Texas region established by this subchapter for purposes of compliance with permit requirements for facilities affected by Section 382.0518(g).

(c) The commission may not provide incentives that:

(1) exceed 50 percent of the capital cost, excluding interest, of the emissions reduction project for which incentives are sought;

(2) exceed \$100,000 for each emissions reduction project;

(3) exceed \$250,000 for any person;

(4) will be applied to an emissions reduction project where a portion of the reductions generated are used to offset the emissions reductions required to be made at another facility;

(5) pay any part of the expenses of reducing hourly nitrogen oxides emissions from a reciprocating internal combustion engine by 30% or less; or

(6) will be used for a project under which the reductions to be made are required by a federal or state law, regulation, permit, or order other than the requirement provided by this subchapter to reduce hourly nitrogen oxides emissions by 50 percent.

(e) This section does not affect the responsibility or liability of an owner or operator of a reciprocating internal combustion engine to reduce emissions under this chapter or a rule, permit or order adopted under this chapter by the commission.

(f) In addition to other requirements imposed by the commission, to be eligible for an incentive under the program established under this section, an emissions reduction project must be:

(1) initiated on or before September 1, 2006; and

(2) completed before March 1, 2007.

(g) The commission may not pay or otherwise provide a financial incentive for an emissions reduction project before the project is complete. The commission may require verification of the reductions associated with the project before the commission pays an incentive. The commission may not pay or otherwise provide a financial incentive on or after March 1, 2007.

(h) Notwithstanding any other law, gifts or contributions by an electric utility or an affiliated power generating company to a program implemented under this section shall be:

(1) considered tangible or intangible capital costs to improve air quality;

(2) deemed to be incurred before January 1, 2002;

(3) included in the electric utility's generation-related invested capital;

and

(4) deemed to be a cost to offset the emission of airborne contaminants from electric generating facilities that is:

(A) an essential component in achieving compliance with a national ambient air quality standard;

(B) deemed to be the most cost effective after consideration of alternative measures; and

(C) consistent with the air quality goals and policies of the commission.

(i) This section expires March 1, 2007.

(b) EMISSIONS REDUCTIONS INCENTIVES ACCOUNT:

(1) The comptroller of public accounts shall establish an account within the clean air account no. 151 to be known as the emissions reductions incentives account.

(2) The emissions reductions incentives account consists of money from:

(A) gifts, grants, or donations to the account for a designated or general use; and

(B) money from any other source the legislature designates.

(3) The commission may use the money in the emissions reductions incentives account to pay for emissions reduction project incentives under a program developed under Section 382.051865, Health and Safety Code, and administrative expenses associated with providing the incentives or the incentive program established under that section.

(4) The emissions reductions incentives account is exempt from the application of Section 403.095, Government Code.

(c) APPROPRIATIONS:

(1) The following amounts are appropriated to Texas Natural Resource Conservation Commission to provide incentives for the reduction of air emissions from reciprocating internal combustion engines associated with pipelines:

(A) up to \$16,200,000 for the fiscal year beginning on September 1, 2001 from the emissions reductions incentives account within the clean air account no. 151;

(B) all interest earned on money in the emissions reductions incentives account within the clean air account no. 151 during the fiscal year beginning on September 1, 2001, for that fiscal year;

(C) any balance in the emissions reductions incentives account within the clean air account no. 151 from the appropriation made by Subsections (a)(1) and (2) unexpended as of August 31, 2002, for the fiscal year beginning on September 1, 2002; and

(D) all interest earned on the emissions reductions incentives account during the fiscal year beginning on September 1, 2002, for that fiscal year.

(d) This section takes effect only if legislation of the 77th Legislature, Regular Session, 2001, authorizing the Texas Natural Resource Conservation Commission to require hourly emissions reductions of nitrogen oxides of at least 50 percent from reciprocating internal combustion engines associated with pipelines is enacted and becomes law.

Senate Amendment No. 13 (Senate Floor Amendment No. 13A)

Amend Floor Amendment No. 13 to **HB 2914** as follows:

Strike Subsection (c) on page 2 of Sec. 382.051865.

Senate Amendment No. 14 (Senate Floor Amendment No. 14)

Amend **HB 2914** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. In addition to other amounts appropriated by the 77th Legislature, Regular Session, 2001, the following amounts are appropriated from the general revenue fund to components of the Texas State Technical College, as specified, for the purpose of Institutional Enhancement:

(1) \$250,000 for the fiscal year beginning September 1, 2001, and \$250,000 for the fiscal year beginning September 1, 2002, to Texas State Technical College - Harlingen;

(2) \$250,000 for the fiscal year beginning September 1, 2001, and \$250,000 for the fiscal year beginning September 1, 2002, to Texas State Technical College - West Texas;

(3) \$250,000 for the fiscal year beginning September 1, 2001, and \$250,000 for the fiscal year beginning September 1, 2002, to Texas State Technical College - Marshall; and

(4) \$250,000 for the fiscal year beginning September 1, 2001, and \$250,000 for the fiscal year beginning September 1, 2002, to Texas State Technical College - Waco.

Senate Amendment No. 15 (Senate Floor Amendment No. 18A)

Amend **HB 2914** by adding the following appropriately numbered section: _____ Contingent on the passage of **SB 1421** or similar legislation relating to certain court costs imposed on a person convicted of an offense, and upon receipt by the Comptroller of collected fees, such fees, in an amount not to exceed those collected, are hereby appropriated to Sam Houston State University for the Correctional Management Institute of Texas and Criminal Justice Center. In no event shall the amount expended by this provision exceed the amount of additional revenue generated pursuant to **SB 1421**.

Senate Amendment No. 16 (Senate Floor Amendment No. 19)

Amend **HB 2914** by adding the following new Section to read as follows and renumbering subsequent Sections:

Section _____. If the comptroller is unable to certify revenue to cover higher than expected utility costs under Section 52 of the Special Provisions Relating Only to State Agencies of Higher Education under Article III of **SB 1**, and upon approval of a majority vote of the students, Texas A&M University may assess an annual utility fee not to exceed 125 dollars per student to cover utility costs that are in excess of 110 percent of the amount appropriated in **SB 1**, General Appropriations Act.

Senate Amendment No. 17 (Senate Floor Amendment No. 20)

Amend **HB 2914** by inserting the following new section:

On or before September 1, 2002, the Comptroller shall report to the Legislature as to the feasibility, methodology and cost of calculating the effect of each provision on the distribution of the tax burden by ethnicity from the data included in the Tax Exemptions and Tax Incidence Report required under Section 403.014 Government Code.

HR 1310 - ADOPTED
(by Haggerty)

Representative Haggerty moved to suspend all necessary rules to take up and consider at this time **HR 1310**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1310, Honoring Judy Jarmon of Austin as Legislative Entertainer of the Year.

HR 1310 was read and was adopted without objection.

On motion of Representative Brimer, the names of all the members of the house were added to **HR 1310** as signers thereof.

HCR 321 - ADOPTED
(by Grusendorf)

Representative Grusendorf moved to suspend all necessary rules to take up and consider at this time **HCR 321**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 321

WHEREAS, The House of Representatives of the State of Texas has passed **SB 826** and returned it to the Senate of the State of Texas; and

WHEREAS, Further consideration of the bill by the house is necessary; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate of the State of Texas concurring, That the house hereby respectfully requests that the Secretary of the Senate be authorized to return **SB 826** to the house for further consideration.

HCR 321 was adopted without objection.

HCR 322 - ADOPTED
(by Janek)

Representative Janek moved to suspend all necessary rules to take up and consider at this time **HCR 322**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 322

WHEREAS, **HB 1515** has passed the Texas House of Representatives and the Texas Senate and is now in the office of the governor; and

WHEREAS, Further consideration of the bill by the house of representatives and the senate is necessary; now, therefore, be it

RESOLVED by the 77th Legislature, That the governor be hereby requested to return **HB 1515** to the house of representatives for further consideration; and, be it further

RESOLVED, That the action of the speaker of the house of representatives and the president of the senate in signing **HB 1515** be declared null and void and that the two presiding officers be authorized to remove their signatures from the enrolled bill.

HCR 322 was adopted without objection.

HB 236 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Hinojosa submitted the following conference committee report on **HB 236**:

Austin, Texas, May 24, 2001

Honorable Bill Ratliff
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 236** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Ellis	Hinojosa
Moncrief	Martinez Fischer
Duncan	Keel
Bivins	Kitchen
Whitmire	Dunnam
On the part of the Senate	On the part of the House

HB 236, A bill to be entitled An Act relating to the applicability of the death penalty to a capital offense committed by a person with mental retardation.

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

SECTION 1. Part I, Code of Criminal Procedure, is amended by adding Chapter 46B to read as follows:

CHAPTER 46B. CAPITAL CASE: EFFECT OF MENTAL RETARDATION

Art. 46B.01. DEFINITION. In this chapter, "mental retardation" has the meaning assigned by Section 591.003, Health and Safety Code.

Art. 46B.02. RESTRICTION ON DEATH PENALTY. Notwithstanding Section 19.03, Penal Code, a defendant convicted of a capital offense who is determined under this chapter to be a person with mental retardation may not be sentenced to death.

Art. 46B.03. INTENT TO RAISE MENTAL RETARDATION AS ISSUE. A defendant in a capital case may request the submission of a special issue under Section 2(e)(2), Article 37.071, only if the defendant files a notice of intent to request the submission with the court and the attorney representing the state not later than the 30th day before the date the trial commences.

Art. 46B.04. HEARING. (a) If a jury in a capital case returns an affirmative finding on each issue submitted under Section 2(b), Article 37.071, and a negative finding under Section 2(e)(2), Article 37.071, the defendant

immediately after the jury returns findings under Article 37.071 may file a petition for a hearing described by Subsection (c).

(b) On receipt of a petition under Subsection (a), the court shall appoint two disinterested experts experienced and qualified in the field of diagnosing mental retardation to examine the defendant and determine whether the defendant is a person with mental retardation. The court shall order the defendant to submit to an examination by experts appointed under this article.

(c) After the examination of the defendant by the experts appointed under this article, the court in a hearing shall consider the findings of those experts and the findings of other experts, if any, offered by the attorney representing the state or the defendant.

(d) If after considering all findings offered under Subsection (c) the court finds by a preponderance of the evidence that the defendant is a person with mental retardation, the court shall sentence the defendant to imprisonment as provided by Section 2(j), Article 37.071. If the court does not find by a preponderance of the evidence that the defendant is a person with mental retardation, the court shall sentence the defendant to death as provided by Section 2(g), Article 37.071.

Art. 46B.05. APPEAL. (a) The defendant and the state are entitled to appeal a finding of a court described by Article 46B.04(d).

(b) The court of criminal appeals shall adopt rules as necessary for the administration of the appeals process established by this article.

(c) An appeal under this article is a direct appeal to the court of criminal appeals, and the court of criminal appeals, as provided by court rule, shall give priority to the review of an appeal under this article over other cases before the court.

SECTION 2. Section 2(a), Article 37.071, Code of Criminal Procedure, is amended to read as follows:

(a) If a defendant is tried for a capital offense in which the state seeks the death penalty, on a finding that the defendant is guilty of a capital offense, the court shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to death or life imprisonment. The proceeding shall be conducted in the trial court and, except as provided by Article 44.29(c) [~~of this code~~], before the trial jury as soon as practicable. In the proceeding, evidence may be presented by the state and the defendant or the defendant's counsel as to any matter that the court deems relevant to sentence, including evidence of the defendant's background or character or the circumstances of the offense that mitigates against the imposition of the death penalty and including evidence as to whether the defendant is a person with mental retardation. This subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or of the State of Texas. The state and the defendant or the defendant's counsel shall be permitted to present argument for or against sentence of death. The court, the attorney representing the state, the defendant, or the defendant's counsel may not inform a juror or a prospective juror of the effect of a failure of a jury to agree on issues submitted under Subsection (b) [(c)] or (e) [~~of this article~~].

SECTION 3. Section 2(e), Article 37.071, Code of Criminal Procedure, is amended to read as follows:

(e)(1) The court shall instruct the jury that if the jury returns an affirmative finding to each issue submitted under Subsection (b) [~~of this article~~], it shall answer the following issue:

Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed.

(2) If raised by the evidence, the court, on the written request of the attorney representing the defendant, shall instruct the jury that if the jury returns an affirmative finding to each issue submitted under Subsection (b), the jury shall answer the following issue:

Whether the defendant is a person with mental retardation.

(3) The court, on the written request of the attorney representing the defendant, shall:

(A) instruct the jury that if the jury answers that a circumstance or circumstances warrant that a sentence of life imprisonment rather than a death sentence be imposed or answers that the defendant is a person with mental retardation, the court will sentence the defendant to imprisonment in the institutional division of the Texas Department of Criminal Justice for life; and

(B) charge the jury in writing as follows:

"Under the law applicable in this case, if the defendant is sentenced to imprisonment in the institutional division of the Texas Department of Criminal Justice for life, the defendant will become eligible for release on parole, but not until the actual time served by the defendant equals 40 years, without consideration of any good conduct time. It cannot accurately be predicted how the parole laws might be applied to this defendant if the defendant is sentenced to a term of imprisonment for life because the application of those laws will depend on decisions made by prison and parole authorities, but eligibility for parole does not guarantee that parole will be granted."

SECTION 4. Section 2(f), Article 37.071, Code of Criminal Procedure, is amended to read as follows:

(f) The court shall charge the jury that in answering an [~~the~~] issue submitted under Subsection (e) [~~of this article~~], the jury:

(1) shall answer the issue "yes" or "no";

(2) may not answer the issue "no" unless it agrees unanimously and may not answer the issue "yes" unless 10 or more jurors agree;

(3) need not agree on what particular evidence supports an affirmative finding on the issue; and

(4) in respect to the issue submitted under Subsection (e)(1) or (e)(2), shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

SECTION 5. Section 2, Article 37.071, Code of Criminal Procedure, is amended by amending Subsection (g) and adding Subsection (j) to read as follows:

(g) If the jury returns an affirmative finding on each issue submitted under Subsection (b) [~~of this article~~] and a negative finding on each [~~an~~] issue submitted under Subsection (e) [~~of this article~~], except as provided by

Subsection (j) the court shall sentence the defendant to death. If the jury returns a negative finding on any issue submitted under Subsection (b) [~~of this article~~] or an affirmative finding on any [~~an~~] issue submitted under Subsection (e) [~~of this article~~] or is unable to answer any issue submitted under Subsection (b) or (e) [~~of this article~~], the court shall sentence the defendant to imprisonment [~~confinement~~] in the institutional division of the Texas Department of Criminal Justice for life.

(j) If as provided by Article 46B.04 the court finds by a preponderance of the evidence that the defendant is a person with mental retardation, the court shall sentence the defendant to imprisonment in the institutional division of the Texas Department of Criminal Justice for life.

SECTION 6. The change in law made by this Act applies only to a capital case that commences on or after the effective date of this Act. A capital case that commences before the effective date of this Act is covered by the law in effect when the case commenced, and the former law is continued in effect for that purpose.

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

Representative Hinojosa moved to adopt the conference committee report on **HB 236**.

A record vote was requested.

The motion prevailed by (Record 617): 80 Yeas, 56 Nays, 1 Present, not voting.

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

Nays — Allen; Berman; Brimer; Brown, B.; Callegari; Chisum; Christian; Corte; Crabb; Craddick; Crownover; Davis, J.; Delisi; Denny; Elkins; Ellis; George; Geren; Green; Grusendorf; Haggerty; Hamric; Hardcastle; Heflin; Hill; Hope; Hopson; Howard; Hupp; Isett; Janek; Jones, E.; Keffer; King, P.; Kolkhorst; Kuempel; Madden; Marchant; McReynolds; Miller; Morrison; Mowery; Pitts; Reyna, E.; Seaman; Shields; Smith; Solomons; Swinford; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert.

Absent — Averitt; Bonnen; Carter; Cook; Counts; Goodman; Hunter; Jones, D.; Krusee; Merritt; Ramsay; Smithee.

STATEMENTS OF VOTE

When Record No. 617 was taken, I was in the house but away from my desk. I would have voted yes.

Counts

When Record No. 617 was taken, I was in the house but away from my desk. I would have voted no.

Krusee

HR 1351 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1351**, suspending the limitations on the conferees for **HB 3305**.

HR 1349 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1349**, suspending the limitations on the conferees for **HB 1831**.

HR 1350 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1350**, suspending the limitations on the conferees for **HB 900**.

MESSAGE FROM THE SENATE

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

LEAVE OF ABSENCE GRANTED

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

Hawley on motion of Raymond.

HB 1922 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative McCall submitted the following conference committee report on **HB 1922**:

Austin, Texas, May 24, 2001

Honorable Bill Ratliff
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1922** have had

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

Madla	Gallego
West	Bosse
Carona	Gray
Nelson	Wolens
Duncan	McCall
On the part of the Senate	On the part of the House

HB 1922, A bill to be entitled An Act relating to state government privacy policy.

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

SECTION 1. Subtitle A, Title 5, Government Code, is amended by adding Chapter 559 to read as follows:

CHAPTER 559. STATE GOVERNMENT PRIVACY POLICIES

Sec. 559.001. DEFINITION. In this chapter, "state governmental body" means a governmental body as defined by Section 552.003 that is part of state government.

Sec. 559.002. RIGHT TO BE INFORMED ABOUT INFORMATION COLLECTED. It is the policy of this state that an individual is entitled to be informed about information that a state governmental body collects about the individual unless the state governmental body is allowed to withhold the information from the individual under Section 552.023.

Sec. 559.003. RIGHT TO NOTICE ABOUT CERTAIN INFORMATION LAWS AND PRACTICES. (a) Each state governmental body that collects information about an individual by means of a form that the individual completes and files with the governmental body in a paper format or in an electronic format on an Internet site shall prominently state, on the paper form and prominently post on the Internet site in connection with the electronic form, that:

(1) with few exceptions, the individual is entitled on request to be informed about the information that the state governmental body collects about the individual;

(2) under Sections 552.021 and 552.023 of the Government Code, the individual is entitled to receive and review the information; and

(3) under Section 559.004 of the Government Code, the individual is entitled to have the state governmental body correct information about the individual that is incorrect.

(b) Each state governmental body that collects information about an individual by means of an Internet site or that collects information about the computer network location or identity of a user of the Internet site shall prominently post on the Internet site what information is being collected through the site about the individual or about the computer network location or identity of a user of the site, including what information is being collected by means that are not obvious.

Sec. 559.004. RIGHT TO CORRECTION OF INCORRECT INFORMATION. Each state governmental body shall establish a reasonable procedure under which an individual is entitled to have the state governmental

body correct information about the individual that is possessed by the state governmental body and that is incorrect. The procedure may not unduly burden an individual using the procedure.

Sec. 559.005. APPLICABILITY OF AND CONSTRUCTION WITH PUBLIC INFORMATION LAW. (a) Chapter 552 governs the charges that a state governmental body may impose on an individual who requests information the governmental body collects about the individual. The governmental body may not charge an individual to correct information about the individual.

(b) To the extent of a conflict between this chapter and the public information law, Chapter 552, Chapter 552 controls.

SECTION 2. (a) The lieutenant governor and the speaker of the house of representatives shall establish a privacy task force to study issues related to the information practices of state government that affect personal privacy.

(b) The lieutenant governor and the speaker shall each appoint seven members to the task force. Two of the members appointed by the lieutenant governor must be members of the senate. Two of the members appointed by the speaker must be members of the house of representatives. In making the appointments, the lieutenant governor and the speaker shall make an effort to ensure that the composition of the task force includes members with a demonstrated interest in and knowledge regarding:

- (1) consumer issues;
- (2) business issues;
- (3) issues related to the openness and accessibility of government records; and
- (4) issues related to conducting business transactions electronically.

(c) The task force shall elect a presiding officer and assistant presiding officer from among its members.

(d) The task force shall meet:

- (1) as directed by the lieutenant governor and the speaker, if applicable; and
- (2) otherwise as determined by the members of the task force but not less often than quarterly, beginning not later than September 30, 2001.

(e) A legislative agency shall assist the task force at the request of the lieutenant governor or the speaker, and a state agency in the executive branch of state government shall assist the task force at the request of the task force.

(f) The task force shall:

(1) identify the types of personal information about individuals that are being collected by state governmental bodies and how the information, once collected, is used;

(2) identify how state governmental bodies disseminate personal information about individuals, including the extent to which the information is sold or given to commercial enterprises;

(3) identify existing protections in state law and administrative rules against unwarranted disclosure of personal information about individuals and recommend legislation or rule changes to enhance protections against unwarranted disclosure;

(4) assess the impact that evolving technologies have on the collection, dissemination, and use of personal information by state governmental bodies;

(5) identify the benefits and detriments of information sharing among state governmental bodies that collect, store, and disseminate information relating to individuals and businesses;

(6) determine the proper role of state government in the context of federal law and federal regulations in establishing statutory and regulatory privacy protections;

(7) recommend steps to ensure that personal information transmitted to, by, or from state governmental bodies in an electronic format is adequately encrypted and secured to protect individuals' privacy;

(8) recommend legislation and changes in administrative policy governing the collection, storage, and transfer of information among and within state governmental bodies;

(9) recommend legislation under which an individual would have the right to be notified if a state governmental body proposed to sell personally identifiable information about the individual and would have the right to prohibit the sale unless the sale was in furtherance of the statutory duties of the state governmental body; and

(10) assess and analyze federal laws, regulations, and practices that affect, may affect, or could serve as a model for state government or commercial privacy practices and recommend legislation based on its assessment and analysis.

(g) The task force shall report the results of its study and its recommendations to the lieutenant governor and the speaker by September 1, 2002.

(h) Unless continued in existence at the direction of the lieutenant governor and the speaker, the task force is abolished and this section expires September 1, 2003.

SECTION 3. Each state governmental body must be in compliance with Chapter 559, Government Code, as added by this Act, before January 1, 2002.

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

Representative McCall moved to adopt the conference committee report on **HB 1922**.

The motion prevailed.

HB 2446 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Glaze submitted the following conference committee report on **HB 2446**:

Austin, Texas, May 23, 2001

Honorable Bill Ratliff
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2446** have had

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

Madla	Glaze
Shapleigh	Capelo
Van De Putte	Coleman
Staples	Dunnam
	Uresti

On the part of the Senate On the part of the House

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

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

SECTION 1. Chapter 771, Health and Safety Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. STATE EMERGENCY
MEDICAL DISPATCH RESOURCE CENTER

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

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

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

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

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

(3) report its findings to the legislature.

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

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

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

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

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

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

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

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

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

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

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

Sec. 771.105. FUNDING OF PILOT PROGRAM. Money in the 9-1-1 services fee fund may be appropriated to the Texas Department of Health to fund the pilot program. The department is also authorized to seek grant funding for the pilot program. The provisions in this subchapter that require the department to establish, conduct, and evaluate the pilot program are contingent on the department receiving funding in accordance with this section.

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

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

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

SECTION 2. Section 773.012, Health and Safety Code, is amended by amending Subsection (a) and adding Subsections (k) and (l) to read as follows:

(a) The governor shall appoint an advisory council to advise the board regarding matters related to the responsibilities of the board, commissioner, and department under this chapter. In making appointments to the advisory council, the governor shall ensure that approximately one-half of the members of the advisory council are residents of rural areas of the state.

(k) The advisory council shall assess the need for emergency medical services in the rural areas of the state.

(l) The advisory council shall develop a strategic plan for:

(1) refining the educational requirements for certification and maintaining certification as emergency medical services personnel; and

(2) developing emergency medical services and trauma care systems.

SECTION 3. Subchapter A, Chapter 773, Health and Safety Code, is amended by adding Section 773.013 to read as follows:

Sec. 773.013. PEER ASSISTANCE PROGRAM. The department may establish, approve, and fund a peer assistance program in accordance with Section 467.003 and board rules.

SECTION 4. Subchapter A, Chapter 773, Health and Safety Code, is amended by adding Section 773.014 to read as follows:

Sec. 773.014. ADMINISTRATION OF EPINEPHRINE. (a) An emergency medical services provider and a first responder organization may acquire and possess epinephrine auto-injector devices in accordance with this section. Emergency medical services personnel certified as emergency medical technicians or at a higher level of training may carry and administer epinephrine auto-injector devices in accordance with this section.

(b) The department shall adopt rules designed to protect the public health and safety to implement this section. The rules must provide that emergency medical services personnel certified as emergency medical technicians or at a higher level of training may administer an epinephrine auto-injector device to another only if the person has successfully completed a training course, approved by the department, in the use of the device that is consistent with the national standard training curriculum for emergency medical technicians.

(c) An emergency medical services provider or first responder organization may acquire, possess, maintain, and dispose of epinephrine auto-injector devices, and emergency medical services personnel certified as emergency medical technicians or at a higher level of training may carry, maintain, administer, and dispose of epinephrine auto-injector devices, only in accordance with:

(1) rules adopted by the department under this section; and

(2) a delegated practice agreement that provides for medical supervision by a licensed physician who either:

(A) acts as a medical director for an emergency medical services system or a licensed hospital; or

(B) has knowledge and experience in the delivery of emergency care.

(d) Emergency medical services personnel who administer epinephrine auto-injector devices to others shall immediately report the use to the physician supervising the activities of the emergency medical services personnel.

(e) The administration of an epinephrine auto-injector device to another under this section is considered to be the administration of emergency care for the purposes of any statute relating to liability for the provision of emergency care. The administration of an epinephrine auto-injector device to another in accordance with the requirements of this section does not constitute the unlawful practice of any health care profession.

(f) A person otherwise authorized to sell or provide an epinephrine auto-injector device to another may sell or provide the devices to an emergency medical services provider or a first responder organization authorized to acquire and possess the devices under this section.

(g) This section does not prevent emergency medical services personnel who are also licensed health care professionals under another health care licensing law and who are authorized to acquire, possess, and administer an

epinephrine auto-injector device under the other health care licensing law from acting under the other law.

(h) This section does not impose a standard of care not otherwise required by law.

SECTION 5. Section 773.025, Health and Safety Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) A governmental entity or nongovernmental organization that sponsors or wishes to sponsor an emergency medical services provider or first responder organization in a rural or underserved area may request the bureau to provide or facilitate the provision of initial training for emergency care attendants, if the training is not available locally. The bureau shall ensure that the training is provided. The bureau shall provide the training without charge, or contract with qualified instructors to provide the training without charge, to students who agree to perform emergency care attendant services for at least one year with the local emergency medical services provider or first responder organization. The training must be provided at times and places that are convenient to the students. The bureau shall require that at least three students are scheduled to take any class offered under this subsection.

(e) To facilitate all levels of emergency medical services training, the bureau shall consult with and solicit comment from emergency medical services providers, first responder organizations, persons who provide emergency medical services training, and other entities interested in emergency medical services training programs.

SECTION 6. Section 773.095(a), Health and Safety Code, is amended to read as follows:

(a) The proceedings and records of organized committees of hospitals, medical societies, emergency medical services providers, emergency medical services and trauma care systems, or first responder organizations relating to the review, evaluation, or improvement of an emergency medical services provider, a first responder organization, an emergency medical services and trauma care system, or emergency medical services personnel are confidential and not subject to disclosure by court subpoena or otherwise.

SECTION 7. Section 773.115(a), Health and Safety Code, is amended to read as follows:

(a) The bureau may designate trauma facilities that are a part of an emergency medical services and trauma care system. A trauma facility shall be designated by the level of trauma care and services provided in accordance with the American College of Surgeons guidelines for level I and [~~II~~] ~~III~~ [~~and III~~] trauma facilities [~~centers~~] and rules adopted by the board for level ~~III~~ and IV [~~and V~~] trauma facilities [~~centers~~]. In adopting rules under this section, the board may consider trauma caseloads, geographic boundaries, or minimum population requirements, but the bureau may not deny designation solely on these criteria. The board may not set an arbitrary limit on the number of facilities designated as trauma facilities.

SECTION 8. Section 615.003, Government Code, is amended to read as follows:

Sec. 615.003. APPLICABILITY. This chapter applies only to eligible survivors of the following individuals:

(1) an individual elected, appointed, or employed as a peace officer by the state or a political subdivision of the state under Article 2.12, Code of Criminal Procedure, or other law;

(2) a paid probation officer appointed by the director of a community supervision and corrections department who has the duties set out in Section 76.002 and the qualifications set out in Section 76.005, or who was appointed in accordance with prior law;

(3) a parole officer employed by the pardons and paroles division of the Texas Department of Criminal Justice who has the duties set out in Section 508.001 and the qualifications set out in Section 508.113 or in prior law;

(4) a paid jailer;

(5) a member of an organized police reserve or auxiliary unit who regularly assists peace officers in enforcing criminal laws;

(6) a member of the class of employees of the institutional division or the state jail division of the Texas Department of Criminal Justice formally designated as custodial personnel under Section 615.006 by the Texas Board of Criminal Justice or its predecessor in function;

(7) a jailer or guard of a county jail who is appointed by the sheriff and who:

(A) performs a security, custodial, or supervisory function over the admittance, confinement, or discharge of prisoners; and

(B) is certified by the [Texas] Commission on Law Enforcement Officer Standards and Education;

(8) a juvenile correctional employee of the Texas Youth Commission;

(9) an employee of the Texas Department of Mental Health and Mental Retardation who:

(A) works at the department's maximum security unit; or

(B) performs on-site services for the Texas Department of Criminal Justice;

(10) an individual who is employed by the state or a political or legal subdivision and is subject to certification by the Texas Commission on Fire Protection;

(11) an individual employed by the state or a political or legal subdivision whose principal duties are aircraft crash and rescue fire fighting;

(12) a member of an organized volunteer fire-fighting unit that:

(A) renders fire-fighting services without remuneration;

(B) consists of not fewer than 20 active members, a majority of whom are present at each meeting; and

(C) conducts a minimum of two drills each month, each two hours long; or

(13) an individual who:

(A) performs emergency medical services or operates an ambulance;

(B) is employed by a political subdivision of the state or is an emergency medical services volunteer as defined by Section 773.003, Health and Safety Code; and

(C) is qualified as an emergency care attendant [medical technician] or at a higher level of training under Section 773.046, 773.047, 773.048, [or] 773.049, or 773.0495, Health and Safety Code.

SECTION 9. Section 61.0285(a), Health and Safety Code, is amended to read as follows:

(a) In addition to basic health care services provided under Section 61.028, a county may, in accordance with department rules adopted under Section 61.006, provide other medically necessary services or supplies that the county determines to be cost-effective, including:

- (1) ambulatory surgical center services;
- (2) diabetic and colostomy medical supplies and equipment;
- (3) durable medical equipment;
- (4) home and community health care services;
- (5) services provided by licensed master medical social workers—advanced clinical practitioners;
- (6) psychological counseling services;
- (7) services provided by physician assistants, nurse practitioners, certified nurse midwives, clinical nurse specialists, and certified registered nurse anesthetists;
- (8) dental care;
- (9) vision care, including eyeglasses;
- (10) services provided by federally qualified health centers, as defined by 42 U.S.C. Section 1396d(l)(2)(B); ~~and~~
- (11) emergency medical services; and
- (12) any other appropriate health care service identified by board rule that may be determined to be cost-effective.

SECTION 10. Section 106.043(b), Health and Safety Code, is amended to read as follows:

(b) The advisory committee is composed of 13 ~~12~~ members appointed by the executive committee and must include:

- (1) a rural practicing family practice physician;
- (2) a rural hospital administrator;
- (3) a rural practicing registered professional nurse;
- (4) a rural practicing allied health professional;
- (5) a dean of a medical school;
- (6) a dean of a nursing school;
- (7) a dean of a school of allied health science;
- (8) a head of a vocational/technical institution;
- (9) a community college administrator;
- (10) an individual knowledgeable in student financial assistance programs;
- (11) a rural public school superintendent; ~~and~~
- (12) a rural resident; and
- (13) an individual who provides emergency medical services in a rural area and who is certified or licensed as an emergency care attendant or at a higher level of training under Section 773.046, 773.047, 773.048, 773.049, or 773.0495.

SECTION 11. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2001.

(b) Section 773.014, Health and Safety Code, as added by this Act, takes effect January 1, 2002, except that Section 773.014 takes effect September 1, 2001,

for the limited purpose of allowing the Texas Department of Health to adopt rules under that law that may take effect before January 1, 2002.

(c) Before January 1, 2002, epinephrine auto-injector devices may be carried and administered by certain emergency medical services personnel to the extent allowed under the law that exists before September 1, 2001.

Representative Glaze moved to adopt the conference committee report on **HB 2446**.

The motion prevailed.

SB 22 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Madden submitted the conference committee report on **SB 22**.

Representative Madden moved to adopt the conference committee report on **SB 22**.

A record vote was requested.

The motion prevailed by (Record 618): 141 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; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; 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; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbrank.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hawley; Hilbert.

Absent — Denny; Flores; Hartnett; Merritt; Pitts; West.

HR 1267 - ADOPTED (by Dutton)

The following privileged resolution was laid before the house:

HR 1267

BE IT RESOLVED by the House of Representatives of the State of Texas, 77th Legislature, Regular Session, 2001, That House Rule 13, Section 9(a), be

suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 536**, relating to compensation for wrongful imprisonment, to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add a new section to the bill to read as follows:

SECTION 2. Section 403.074, Government Code, is amended by amending Subsections (b) and (d) and adding Subsection (g) to read as follows:

(b) Except as provided by Subsection (g), the [The] comptroller may not pay a miscellaneous claim unless the claim has been:

(1) verified and substantiated by an authorized employee of the state agency whose special fund or account is to be charged for the claim;

(2) verified by the attorney general as a legally enforceable obligation of the state; and

(3) certified by the claimant as due and unpaid.

(d) Except as provided by Subsection (g), the [The] comptroller may not pay under this section a single claim in excess of \$25,000, or an aggregate of claims by a single claimant during a biennium in excess of \$25,000. For the purposes of this subsection, all claims that were originally held by one person are considered held by a single claimant regardless of whether those claims were later transferred.

(g) The comptroller shall pay under this section any claim that satisfies the requirements of Subchapter B, Chapter 103, Civil Practice and Remedies Code, as provided by Section 103.151, Civil Practice and Remedies Code.

Explanation: This addition is necessary to ensure that the comptroller has the authority to issue payments as required by the changes to Chapter 103, Civil Practice and Remedies Code, that exceed the current maximum allowed for miscellaneous claims under Section 403.074, Government Code.

HR 1267 was adopted without objection.

SB 536 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Clark submitted the conference committee report on **SB 536**.

Representative Clark moved to adopt the conference committee report on **SB 536**.

A record vote was requested.

The motion prevailed by (Record 619): 142 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; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Heflin; Hilderbran; Hill; Hinojosa; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen;

Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hawley; Hilbert.

Absent — Flores; Hartnett; Hochberg; Merritt; West.

SB 1444 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Walker submitted the conference committee report on **SB 1444**.

Representative Walker moved to adopt the conference committee report on **SB 1444**.

A record vote was requested.

The motion prevailed by (Record 620): 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; Dunnam; Dutton; Edwards; Ehrhardt; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Martinez Fischer; Maxey; McCall; McClendon; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Hawley; Hilbert.

Absent — Eiland; Madden; McReynolds.

SB 555 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Junell submitted the conference committee report on **SB 555**.

Representative Junell moved to adopt the conference committee report on **SB 555**.

A record vote was requested.

The motion prevailed by (Record 621): 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; 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; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hawley; Hilbert.

Absent — Driver; Wohlgenuth.

SB 768 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Hopson submitted the conference committee report on **SB 768**.

Representative Hopson moved to adopt the conference committee report on **SB 768**.

The motion prevailed.

HB 787 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Gallego submitted the following conference committee report on **HB 787**:

Austin, Texas, May 24, 2001

Honorable Bill Ratliff
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 787** have had the

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

Madla

Gallego

Harris

T. King

Gallegos

Walker

On the part of the Senate

On the part of the House

HB 787, A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Brewster County Groundwater Conservation District.

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

SECTION 1. CREATION. (a) A groundwater conservation district, to be known as the Brewster County Groundwater Conservation District, is created in Brewster County, subject to approval at a confirmation election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Brewster County Groundwater Conservation District.

SECTION 3. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Brewster County.

SECTION 4. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

SECTION 5. POWERS. (a) The district has all the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) Notwithstanding Subsection (a), the following provisions prevail over a conflicting or inconsistent provision of this Act:

- (1) Sections 36.1071-36.108, Water Code;
- (2) Sections 36.159-36.161, Water Code; and
- (3) Subchapter I, Chapter 36, Water Code.

(c) The district has the power to limit and to impose fees on the transfer of groundwater out of the district if, after public notice and a hearing and in accordance with district rules, the district finds that restrictions or fees on transfer are in the district's best interests. In making the determination, the district shall consider:

- (1) the availability of water in the district and in the receiving area during the period for which the proposed water transfer is requested;
- (2) the availability of feasible and practicable alternative supplies to the applicant proposing the transfer;

(3) the amount and proposed use of the transferred water in the receiving area;

(4) the projected effect of the proposed transfer on aquifer conditions, depletion, subsidence, or effects on existing permit holders or other groundwater users within the district;

(5) the projected environmental and economic effects on the district; and

(6) the compatibility of the proposed transfer with the approved regional plan and certified district management plan.

SECTION 6. EMINENT DOMAIN; ENTERING PRIVATE PROPERTY. Notwithstanding other law or another provision of this Act:

(1) the district may not exercise the power of eminent domain; and

(2) an agent or employee of the district may not enter private property without the permission of the landowner or the landowner's agent except to inspect a permitted well and to ensure compliance with district rules.

SECTION 7. BOARD OF DIRECTORS. (a) The district is governed by a board of seven directors appointed by the Brewster County Commissioners Court.

(b) The board is composed of:

(1) three members who represent the cities, towns, or population centers of Alpine, Lajitas, Marathon, Study Butte, and Terlingua;

(2) three members who represent the rural part of Brewster County, exclusive of the cities, towns, or population centers of Alpine, Lajitas, Marathon, Study Butte, and Terlingua; and

(3) one member who represents Brewster County at large.

(c) A member described by Subsection (b)(1) must reside in or in the immediate area of a city, town, or population center listed in that subsection.

(d) At least one member of the board must reside in each county commissioners precinct.

(e) Each director must qualify to serve as director in the manner provided by Section 36.055, Water Code.

(f) Directors other than initial directors serve staggered three-year terms.

(g) A director serves until the director's successor has qualified.

(h) If there is a vacancy on the board, the commissioners court shall appoint a director to serve the remainder of the term.

(i) The commissioners court shall appoint a director to succeed a director on or before the date the director's term expires.

(j) A director may not receive a salary or other compensation for service as a director but may be reimbursed for actual expenses of attending meetings at the rate in effect for employees of Brewster County.

SECTION 8. APPOINTMENT AND TERMS OF INITIAL DIRECTORS. Not later than the 31st day after the effective date of this Act, the Brewster County Commissioners Court shall appoint:

(1) two directors to serve terms expiring February 1, 2002;

(2) two directors to serve terms expiring February 1, 2003; and

(3) three directors to serve terms expiring February 1, 2004.

SECTION 9. CONFIRMATION ELECTION. (a) The initial board of directors shall call and hold an election to confirm establishment of the district.

(b) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(c) If a majority of the votes cast at the election favor the establishment of the district, the temporary directors shall declare the district created. If a majority of the votes cast at the election are against the establishment of the district, the temporary directors shall declare the district defeated. The temporary directors shall file a copy of the election results with the Texas Natural Resource Conservation Commission.

(d) If a majority of the votes cast at the election are against the establishment of the district, the temporary directors may call and hold a subsequent election to confirm establishment of the district. A subsequent election may not be held earlier than the first anniversary of the date on which the previous election was held. If the establishment of the district is not confirmed at an election held under this section on or before the second anniversary of the effective date of this Act, this Act expires.

(e) Except as provided by this section, a confirmation election must be conducted as provided by Sections 36.017(b)-(h), Water Code, and the Election Code.

SECTION 10. CHANGE OF DISTRICT NAME. The board of directors by resolution may change the name of the district if the district annexes territory.

SECTION 11. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. (a) The proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and other laws of this state, including the governor, who has submitted the notice and Act to the Texas Natural Resource Conservation Commission.

(b) The Texas Natural Resource Conservation Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(c) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 12. EFFECTIVE DATE. 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.

Representative Gallego moved to adopt the conference committee report on **HB 787**.

A record vote was requested.

The motion prevailed by (Record 622): 142 Yeas, 0 Nays, 1 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; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hawley; Hilbert.

Absent — Allen; Flores; Hartnett; Jones, E.; Shields.

STATEMENT OF VOTE

When Record No. 622 was taken, I was in the house but away from my desk. I would have voted yes.

Shields

HB 1234 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Naishtat submitted the following conference committee report on **HB 1234**:

Austin, Texas, May 25, 2001

Honorable Bill Ratliff
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1234** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Zaffirini	Naishtat
Whitmire	E. Reyna
Moncrief	Green
Staples	Hinojosa
Shapiro	Kitchen
On the part of the Senate	On the part of the House

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.

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

SECTION 1. Subchapter A, Chapter 56, Code of Criminal Procedure, is amended by adding Article 56.045 to read as follows:

Art. 56.045. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING FORENSIC MEDICAL EXAMINATION. (a) Before conducting a forensic medical examination of a person who consents to such an examination for the collection of evidence for an alleged sexual assault, the physician or other medical services personnel conducting the examination shall offer the person the opportunity to have an advocate from a sexual assault program as defined by Section 420.003, Government Code, who has completed a sexual assault training program described by Section 420.011(b), Government Code, present with the person during the examination, if the advocate is available at the time of the examination.

(b) The advocate may only provide the injured person with:

(1) counseling and other support services; and

(2) information regarding the rights of crime victims under Article

56.02.

(c) Notwithstanding Subsection (a), the advocate and the sexual assault program providing the advocate may not delay or otherwise impede the screening or stabilization of an emergency medical condition.

(d) The sexual assault program providing the advocate shall pay all costs associated with providing the advocate.

(e) Any individual or entity, including a health care facility, that provides an advocate with access to a person consenting to an examination under Subsection (a) is not subject to civil or criminal liability for providing that access. In this subsection, "health care facility" includes a hospital licensed under Chapter 241, Health and Safety Code.

(f) If a person alleging to have sustained injuries as the victim of a sexual assault was confined in a penal institution, as defined by Section 1.07, Penal Code, at the time of the alleged assault, the penal institution shall provide, at the person's request, a representative to be present with the person at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault. The representative may only provide the injured person with counseling and other support services and with information regarding the rights of crime victims under Article 56.02 and may not delay or otherwise impede the screening or stabilization of an emergency medical condition. The representative must be approved by the penal institution and must be a:

(1) psychologist;

(2) sociologist;

(3) chaplain;

(4) social worker;

(5) case manager; or

(6) volunteer who has completed a sexual assault training program described by Section 420.011(b), Government Code.

SECTION 2. This Act takes effect September 1, 2001.

Representative Naishtat moved to adopt the conference committee report on **HB 1234**.

The motion prevailed.

HB 2164 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Goolsby submitted the following conference committee report on **HB 2164**:

Austin, Texas, May 22, 2001

Honorable Bill Ratliff
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2164** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Cain	Goolsby
Moncrief	Chisum
Zaffirini	McReynolds
Harris	McCall
Gallegos	Hunter
On the part of the Senate	On the part of the House

HB 2164, A bill to be entitled An Act relating to the sale of Woodlawn by the State Preservation Board.

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

SECTION 1. Section 443.025, Government Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) The board, after consulting with the Texas Historical Commission and with the approval of the Legislative Budget Board, may sell Woodlawn at its fair market value. The General Land Office shall transact the sale on behalf of the board using procedures under Section 31.158(c), Natural Resources Code. Proceeds from the transaction:

(1) shall be deposited in the Capitol renewal account or its successor in function under Section 443.0103; and

(2) may be spent only for a purpose described by Section 443.0103.

(d) In selling Woodlawn under Subsection (c), the board shall add to the deed of Woodlawn a provision that requires the purchaser to use the property in a manner that preserves the historical character of Woodlawn, including its buildings, facades, interior, and grounds.

SECTION 2. 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.

Representative Goolsby moved to adopt the conference committee report on **HB 2164**.

A record vote was requested.

The motion prevailed by (Record 623): 137 Yeas, 1 Nay, 1 Present, not voting.

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

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

Nay — Craddick.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hawley; Hilbert.

Absent — Carter; Driver; Dukes; Dutton; Farrar; Flores; George; Hartnett; Talton.

HR 1298 - ADOPTED
(by Gallego)

The following privileged resolution was laid before the house:

HR 1298

BE IT RESOLVED by the House of Representatives of the State of Texas, 77th Legislature, Regular Session, 2001, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences between the house and senate versions of **HB 328**, relating to single-member trustee districts and trustees for certain school districts, to consider and take action on the following matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add a new section to the bill to read as follows:

SECTION 3. Section 11.352(a), Education Code, is amended to read as follows:

(a) The State Board of Education shall appoint for each district established under Section 11.351 a board of three, five, or seven trustees, as determined by the State Board of Education. A trustee is [who are] not required to be a resident [residents] of the district.

Explanation: This addition is necessary to address the governance of special-purpose school districts.

HR 1298 was adopted without objection.

HB 328 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Gallego submitted the following conference committee report on **HB 328**:

Austin, Texas, May 24, 2001

Honorable Bill Ratliff
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 328** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Madla	Gallego
Bivins	Sadler
Staples	Raymond
Lucio	Walker
	Swinford

On the part of the Senate On the part of the House

HB 328, A bill to be entitled An Act relating to single-member trustee districts and trustees for certain school districts.

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

SECTION 1. Section 11.052, Education Code, is amended to read as follows:

Sec. 11.052. SINGLE-MEMBER TRUSTEE DISTRICTS. (a) Except as provided by Subsection (b), the [The] board of trustees of an independent school district, on its own motion, may order that trustees of the district are to be elected from single-member trustee districts or that not fewer than 70 percent of the members of the board of trustees are to be elected from single-member trustee districts with the remaining trustees to be elected from the district at large.

(b) If a majority of the area of an independent school district is located in a county with a population of less than 10,000, the board of trustees of the district, on its own motion, may order that trustees of the district are to be elected from single-member trustee districts or that not fewer than 50 percent of the members of the board of trustees are to be elected from single-member trustee districts with the remaining trustees to be elected from the district at large.

(c) Before adopting an [the] order under Subsection (a) or (b), the board must:

(1) hold a public hearing at which registered voters of the district are given an opportunity to comment on whether or not they favor the election of trustees in the manner proposed by the board; and

(2) publish notice of the hearing in a newspaper that has general circulation in the district, not later than the seventh day before the date of the hearing.

(d) [(b)] An order of the board adopted under Subsection (a) or (b) must

be entered not later than the 120th day before the date of the first election at which all or some of the trustees are elected from single-member trustee districts authorized by the order.

(e) [(e)] If at least 15 percent or 15,000 of the registered voters of the school district, whichever is less, sign and present to the board of trustees a petition requesting submission to the voters of the proposition that trustees of the district be elected in a specific manner, which must be generally described on the petition and which must be a manner of election that the board could have ordered on its own motion under Subsection (a) or (b) [from single-member trustee districts or that not fewer than 70 percent of the members of the board of trustees be elected from single-member trustee districts with the remaining trustees to be elected from the district at large], the board shall order that the appropriate proposition be placed on the ballot at the first regular election of trustees held after the 120th day after the date the petition is submitted to the board. The proposition must specify the number of trustees to be elected from single-member districts. Beginning with the first regular election of trustees held after an election at which a majority of the registered voters voting approve the proposition, trustees of the district shall be elected in the manner prescribed by the approved proposition.

(f) [(f)] If single-member trustee districts are adopted or approved as provided by this section, the board shall divide the school district into the appropriate number of trustee districts, based on the number of members of the board that are to be elected from single-member trustee districts, and shall number each trustee district. The trustee districts must be compact and contiguous and must be as nearly as practicable of equal population. In a district with 150,000 or more students in average daily attendance, the boundary of a trustee district may not cross a county election precinct boundary except at a point at which the boundary of the school district crosses the county election precinct boundary. Trustee districts must be drawn not later than the 90th day before the date of the first election of trustees from those [single-member] districts.

(g) [(g)] Residents of each trustee district are entitled to elect one trustee to the board. A trustee elected to represent a trustee district at the first election of trustees must be a resident of the district the trustee represents not later than: (1) the 90th day after the date election returns are canvassed; or (2) the 60th day after the date of a final judgment in an election contest filed concerning that trustee district. After the first election of trustees from single-member trustee districts, a candidate for trustee representing a single-member trustee district must be a resident of the district the candidate seeks to represent. A person appointed to fill a vacancy in a trustee district must be a resident of that trustee district. A trustee vacates the office if the trustee fails to move into the trustee district the trustee represents within the time provided by this subsection or ceases to reside in the district the trustee represents. A candidate for trustee representing the district at large must be a resident of the district.

(h) [(h)] At the first election at which some or all of the trustees are elected in a manner authorized by this section [from trustee districts] and after each redistricting, all positions on the board shall be filled. The trustees then elected shall draw lots for staggered terms as provided by Section 11.059.

(i) [(i)] Not later than the 90th day before the date of the first regular

school board election at which trustees may officially recognize and act on the last preceding federal census, the board shall redivide the district into the appropriate number of trustee districts if the census data indicates that the population of the most populous district exceeds the population of the least populous district by more than 10 percent. Redivision of the district shall be in the manner provided for division of the district under Subsection (f) ~~(d)~~.

SECTION 2. Section 11.053, Education Code, is amended to read as follows:

Sec. 11.053. ~~[TRANSITION TO SINGLE-MEMBER DISTRICTS:]~~ OPTION TO CONTINUE IN OFFICE FOLLOWING ADOPTION OF SINGLE-MEMBER PLAN OR REDISTRICTING. (a) The board of trustees of [For] an independent school district that adopts a redistricting plan under Section 11.052 [providing for five members of the board to be elected from single-member trustee districts and two members to be elected at large, the board of trustees] may provide [in the plan] for the trustees [then] in office when the plan is adopted or the school district is redistricted to serve [at large] for the remainder of their terms in accordance with this section.

(b) The trustee district and any at-large positions provided by the district's plan shall be filled as the staggered terms of [~~incumbent~~] trustees then in office expire. Not later than the 90th day before the date of the first election from trustee districts and after each redistricting, the board shall determine [~~by lot~~] the order in which the positions will be filled.

~~[(c) The trustees of a district to which this section applies may also provide for members serving at the time of a redistricting to serve for the remainder of their terms.]~~

SECTION 3. Section 11.352(a), Education Code, is amended to read as follows:

(a) The State Board of Education shall appoint for each district established under Section 11.351 a board of three, five, or seven trustees, as determined by the State Board of Education. A trustee is [~~who are~~] not required to be a resident [residents] of the district.

SECTION 4. 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.

Representative Gallego moved to adopt the conference committee report on **HB 328**.

A record vote was requested.

The motion prevailed by (Record 624): 144 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; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Heflin;

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

Nay — Shields.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hawley; Hilbert.

Absent — Marchant; McCall.

HR 1285 - ADOPTED
(by Hinojosa)

The following privileged resolution was laid before the house:

HR 1285

BE IT RESOLVED by the House of Representatives of the State of Texas, 77th Legislature, Regular Session, 2001, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1119**, relating to the regulation of bail bond sureties and providing a penalty, to consider and take action on the following specific matters:

House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 1704.163(a), Occupations Code, to change text not in disagreement to read as follows:

(a) Except as provided by this section [~~Subsection (c)~~], a person not licensed under this chapter may execute a bail bond or act as a surety for another person in any county in this state if the person:

(1) is licensed to practice law in this state; and

(2) represents the other person in the [a] criminal case for which the bond was given.

Explanation: The change is necessary to clarify how attorneys are exempted from Chapter 1704, Occupations Code.

HR 1285 was adopted without objection.

SB 1119 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Hinojosa submitted the conference committee report on **SB 1119**.

Representative Hinojosa moved to adopt the conference committee report on **SB 1119**.

The motion prevailed.

HR 1301 - ADOPTED
(by Gallego)

The following privileged resolution was laid before the house:

HR 1301

BE IT RESOLVED by the House of Representatives of the State of Texas, 77th Legislature, Regular Session, 2001, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **HB 658**, relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education, to consider and take action on the following specific matters:

(1) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 55.1731(a), Education Code, to change text not in disagreement to read as follows:

(a) In addition to the other authority granted by this subchapter, the board of regents of The Texas A&M University System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts to finance projects specified as follows:

(1) Prairie View A&M University:

(A) \$53 million to construct or renovate engineering facilities, construct and renovate an architecture building, and carry out other campus renovations; and

...

(2) Tarleton State University, \$18.7 million for a library addition and renovation of a mathematics building;

(3) Texas A&M University—Commerce, \$14,960,000 to replace a science building wing;

(4) Texas A&M University—Corpus Christi, \$34 million to construct a classroom and laboratory facility and for construction of the Harte Research Center;

...

(6) Texas A&M University at Galveston, \$10,030,000 to construct an engineering building;

(7) Texas A&M University—Kingsville, \$20,060,000 to construct facilities for a pharmacy school and to construct a student services building;

(8) Texas A&M University—Texarkana, \$17 million to construct a health science building and for library renovation;

(9) West Texas A&M University, \$22,780,000 to construct a fine arts complex; and

(10) The Texas A&M University Health Science Center, \$14.3 million for construction of classroom and faculty office facilities for the School of Rural Public Health.

Explanation: The change is necessary to provide The Texas A&M University System appropriate bond authority to finance capital improvements.

(2) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 55.1732(a), Education Code, to change text not in disagreement to read as follows:

(a) In addition to the other authority granted by this subchapter, the board of regents of The University of Texas System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts to finance projects specified as follows:

...

(2) The University of Texas at Brownsville, \$26,010,000 to construct a life and health science and education facility (Phase II) and to procure and install permanent equipment and other fixtures in the facility;

...

(5) The University of Texas—Pan American, \$29,950,000 for education complex, library, and multipurpose center renovation and construction;

(6) The University of Texas of the Permian Basin, \$5,610,000 for integrated Mesa Building renovations and gymnasium renovations;

...

(8) The University of Texas at Tyler, \$20,910,000 to construct an engineering, sciences, and technology building and make other physical plant improvements;

...

(10) The University of Texas Medical Branch at Galveston, \$20 million to renovate and expand research facilities;

...

(12) The University of Texas Health Science Center at San Antonio, \$28.9 million to construct a facility for student services and academic administration and to construct and develop a facility at the Laredo Extension Campus for educational and administrative purposes;

(13) the Regional Academic Health Center established under Section 74.611, \$25.5 million to construct a teaching and learning laboratory in or near the city of Harlingen;

Explanation: The change is necessary to provide The University of Texas System appropriate bond authority to finance capital improvements.

(3) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 55.1733(a), Education Code, to change text not in disagreement to read as follows:

(a) In addition to the other authority granted by this subchapter, the board of regents of the University of Houston System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts to finance projects specified as follows:

(1) the University of Houston, \$51 million to construct science and engineering research and classroom facilities;

(2) the University of Houston—Downtown, \$18,232,500 to construct a classroom building;

(3) the University of Houston—Clear Lake, \$30,918,750 to construct a student services and classroom building; and

(4) the University of Houston—Victoria, \$2,805,000 to remodel the University West facility, acquire and renovate a facility services building, and renovate and expand a facility for the center for community initiatives.

Explanation: The change is necessary to provide the University of Houston System appropriate bond authority to finance capital improvements.

(4) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 55.1734(a), Education Code, to change text not in disagreement to read as follows:

(a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts to finance projects specified as follows:

(1) Angelo State University, \$16,917,550 to expand and renovate institutional facilities;

(2) Lamar University—Beaumont, \$21,792,096 to renovate and repair campus buildings;

(3) Lamar Institute of Technology, \$5,301,960 to renovate Gentry Hall and convert it to classroom and laboratory use;

(4) Lamar State College—Orange, \$2,125,000 for campus landscaping, renovation of the old library for physical plant purposes, renovation of the Main Building and Electronics Commerce Resource Center, and demolition of the old physical plant building;

(5) Lamar State College—Port Arthur, \$7,650,000 to construct a performing arts and classroom building and to expand the Gates Memorial Library and develop an adjacent plaza;

(7) Southwest Texas State University, \$18,436,500 to construct a business building; and

(8) Sul Ross State University, \$15,175,000 to renovate and expand the range animal science facility and science building annex and to carry out other building renovations.

Explanation: The change is necessary to provide the Texas State University System appropriate bond authority to finance capital improvements.

(5) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 55.1736(a), Education Code, to change text not in disagreement to read as follows:

(a) In addition to the other authority granted by this subchapter, the board of regents of Texas Woman's University may issue bonds in accordance with this subchapter in the aggregate principal amount not to exceed \$25,797,500 to finance the renovation of academic and administrative buildings at Texas Woman's University.

Explanation: The change is necessary to provide the board of regents of Texas Woman's University appropriate bond authority to finance capital improvements.

(6) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 55.1737(a), Education Code, to change text not in disagreement to read as follows:

(a) In addition to the other authority granted by this subchapter, the board of regents of Midwestern State University may issue in accordance with this subchapter bonds not to exceed \$8,967,500 to finance campus improvements at Midwestern State University.

Explanation: The change is necessary to provide the board of regents of Midwestern State University appropriate bond authority to finance capital improvements.

(7) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 55.1738(a), Education Code, to change text not in disagreement to read as follows:

(a) In addition to the other authority granted by this subchapter, the board of regents of Stephen F. Austin State University may issue in accordance with this subchapter bonds not to exceed \$14,070,000 to finance campus infrastructure improvements, the construction of a telecommunications building, the renovation of power plant facilities, and the replacement or renovation of the Birdwell Building at Stephen F. Austin State University.

Explanation: The change is necessary to provide the board of regents of Stephen F. Austin State University appropriate bond authority to finance capital improvements.

(8) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 55.1739(a), Education Code, to change text not in disagreement to read as follows:

(a) In addition to the other authority granted by this subchapter, the board of regents of the Texas Tech University System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts for projects specified as follows:

...

(2) Texas Tech University Health Sciences Center, \$66,882,525 to construct a clinical and research facility in the city of Lubbock and to construct facilities to support the center's educational programs in the city of El Paso.

Explanation: The change is necessary to provide the Texas Tech University System appropriate bond authority to finance capital improvements.

(9) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 55.17391(a), Education Code, to change text not in disagreement to read as follows:

(a) In addition to other authority granted by this subchapter, the board of regents of Texas Southern University may issue in accordance with this subchapter bonds not to exceed \$79 million to finance the construction of a science building, the construction of a building for the school of public affairs, the renovation of campus facilities, including electrical and piping systems, and campus landscaping.

Explanation: The change is necessary to provide the board of regents of Texas Southern University appropriate bond authority to finance capital improvements.

(10) House Rule 13, Section 9(a)(1), is suspended to permit the committee to amend proposed Section 55.17392(a), Education Code, to change text not in disagreement to read as follows:

(a) The board of regents of the Texas State Technical College System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts for projects specified as follows:

(1) Texas State Technical College—Harlingen, \$3.4 million to construct a facility for a learning resource center and distance learning center;

(2) Texas State Technical College—Marshall, \$1,785,000 to construct a facility for a library and administrative activities;

(3) Texas State Technical College—Waco, \$3.4 million to renovate the industrial technology center; and

(4) Texas State Technical College—West Texas, \$2,295,000 to construct a transportation technologies building.

Explanation: The change is necessary to provide the board of regents of the Texas State Technical College System appropriate bond authority to finance capital improvements.

HR 1301 was adopted without objection.

HB 658 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Junell submitted the following conference committee report on **HB 658**:

Austin, Texas, May 23, 2001

Honorable Bill Ratliff
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 658** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Ellis	Junell
Harris	Coleman
Duncan	Gallego
Ogden	Heflin
Zaffirini	

On the part of the Senate On the part of the House

HB 658, A bill to be entitled An Act relating to the revenues of public institutions of higher education and to the issuance of revenue bonds to fund capital projects at those institutions.

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

SECTION 1. Section 51.008, Education Code, is amended by adding Subsection (h) to read as follows:

(h) Tuition revenues and revenue collected under Section 34.017, Natural Resources Code, that are deposited in the treasury pursuant to this section, and the interest earned on those revenues, shall be treated as designated funds in the general revenue fund. Notwithstanding a pledge of those revenues made or to be made in the proceedings approved by the governing board of an institution of higher education authorizing the issuance or incurrence of bonds, the deposit of those revenues in the treasury to the credit of an account in the general revenue fund does not:

(1) affect in any manner the pledge of the revenues or the governing board's ability to pledge the revenues to secure and pay bonds issued or incurred by the governing board in accordance with law;

(2) cause the bonds to constitute a debt of the state or be payable from the full faith and credit of the state;

(3) change the character of the revenues as separate revenue of the institution collecting the revenue; or

(4) cause the revenue to be considered general revenue for purposes of Sections 17 and 18, Article VII, Texas Constitution.

SECTION 2. Section 55.16, Education Code, is amended to read as follows:

Sec. 55.16. BOARD RESPONSIBILITY. (a) Each board shall be authorized to fix and collect rentals, rates, and charges from students and others for the occupancy, services, use, and/or availability of all or any of its property, buildings, structures, activities, operations, or other facilities as provided by this section [~~in such amounts and in such manner as may be determined by the board~~].

(b) Unless expressly provided by law that specified money under the control of a board is not considered revenue funds, a provision of this title or another law that limits the purposes for which money under the control of the board may be spent does not impair the board's authority to pledge and use any revenue or money under the board's control to secure or pay obligations of the board under this chapter or other law.

(c) A board shall fix each rental, rate, charge, or fee that the board is authorized by this title to fix in an amount the board determines necessary to pay or provide, for each activity or service for which the rental, rate, charge, or fee is imposed, all associated capital costs, including debt service, operation and maintenance costs, including associated overhead costs of a system or institution, and prudent reserves. Except as otherwise provided by Subsection (e), this section does not authorize a board to impose a rental, rate, charge, or fee in an amount that exceeds any applicable limit imposed by another provision of this title.

(d) For billing and reporting purposes, a governing board may accumulate all mandatory fees or charges authorized by this section or by Chapter 54 as a separate facilities and services charge.

(e) If bonds have been or are issued pursuant to this title, or secured or to be secured by a pledge of part or all of the board's revenue funds, and if, at the time of authorizing the issuance of the bonds, (1) the estimated maximum amount per semester hour of such pledged revenue funds (based on then current enrollment and conditions) during any future semester necessary to provide for the payment of the principal of and interest on the bonds when due, together with (2) the aggregate amount of all such pledged revenue funds which were levied on a semester hour basis for the then current semester to pay the principal of and interest on all previously issued bonds, do not exceed the amount permitted by this title, then any necessary fees, tuition, rentals, rates, or other charges constituting revenue funds shall be levied and collected when and to the extent required by the resolution authorizing the issuance of the bonds in any amount required to provide revenue funds sufficient for the

payment of the principal of and interest on the bonds, regardless of any other provision or limitation provided by this title.

(f) [(b)] A board is not required to charge students enrolled in different degree programs at the institution the same rentals, rates, charges, and fees under this section.

SECTION 3. Subchapter B, Chapter 55, Education Code, is amended by adding Sections 55.1731, 55.1732, 55.1733, 55.1734, 55.1735, 55.1736, 55.1737, 55.1738, 55.1739, 55.17391, and 55.17392 to read as follows:

Sec. 55.1731. THE TEXAS A&M UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of The Texas A&M University System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts to finance projects specified as follows:

(1) Prairie View A&M University:

(A) \$53 million to construct or renovate engineering facilities, construct and renovate an architecture building, and carry out other campus renovations; and

(B) \$15 million to construct a juvenile justice and psychology building;

(2) Tarleton State University, \$18.7 million for a library addition and renovation of a mathematics building;

(3) Texas A&M University—Commerce, \$14,960,000 to replace a science building wing;

(4) Texas A&M University—Corpus Christi, \$34 million to construct a classroom and laboratory facility and for construction of the Harte Research Center;

(5) Texas A&M International University, \$21,620,000 to construct a science building (Phase IV);

(6) Texas A&M University at Galveston, \$10,030,000 to construct an engineering building;

(7) Texas A&M University—Kingsville, \$20,060,000 to construct facilities for a pharmacy school and to construct a student services building;

(8) Texas A&M University—Texarkana, \$17 million to construct a health science building and for library renovation;

(9) West Texas A&M University, \$22,780,000 to construct a fine arts complex; and

(10) The Texas A&M University Health Science Center, \$14.3 million for construction of classroom and faculty office facilities for the School of Rural Public Health.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of The Texas A&M University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches,

and entities of The Texas A&M University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) Any portion of the proceeds of bonds authorized by this section for one or more specified projects at an institution that is not required for the specified projects may be used to renovate existing structures and facilities at the institution.

(e) The bonds authorized by Subsection (a)(1)(B) for Prairie View A&M University may not be issued before March 1, 2003.

Sec. 55.1732. THE UNIVERSITY OF TEXAS SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of The University of Texas System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts to finance projects specified as follows:

(1) The University of Texas at Arlington, \$16,635,945 to construct a science building;

(2) The University of Texas at Brownsville, \$26,010,000 to construct a life and health science and education facility (Phase II) and to procure and install permanent equipment and other fixtures in the facility;

(3) The University of Texas at Dallas, \$21,993,750 to renovate Founders Hall, Founders Annex, and Berkner Hall;

(4) The University of Texas at El Paso, \$12,750,000 to construct a biomedical and health sciences research center;

(5) The University of Texas—Pan American, \$29,950,000 for education complex, library, and multipurpose center renovation and construction;

(6) The University of Texas of the Permian Basin, \$5,610,000 for integrated Mesa Building renovations and gymnasium renovations;

(7) The University of Texas at San Antonio, \$22,950,000 to construct a science building on the main campus;

(8) The University of Texas at Tyler, \$20,910,000 to construct an engineering, sciences, and technology building and make other physical plant improvements;

(9) The University of Texas Southwestern Medical Center at Dallas, \$40 million for North Campus phase IV construction;

(10) The University of Texas Medical Branch at Galveston, \$20 million to renovate and expand research facilities;

(11) The University of Texas Health Science Center at Houston, \$19,550,000 to construct a classroom building;

(12) The University of Texas Health Science Center at San Antonio, \$28.9 million to construct a facility for student services and academic administration and to construct and develop a facility at the Laredo Extension Campus for educational and administrative purposes;

(13) the Regional Academic Health Center established under Section 74.611, \$25.5 million to construct a teaching and learning laboratory in or near the city of Harlingen;

(14) The University of Texas Health Center at Tyler, \$11,513,250 to construct a biomedical research center addition; and

(15) The University of Texas M. D. Anderson Cancer Center, \$20 million to construct a basic sciences research building.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of The University of Texas System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of The University of Texas System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) Any portion of the proceeds of bonds authorized by this section for one or more specified projects at an institution that is not required for the specified projects may be used to renovate existing structures and facilities at the institution.

Sec. 55.1733. THE UNIVERSITY OF HOUSTON SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the University of Houston System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts to finance projects specified as follows:

(1) the University of Houston, \$51 million to construct science and engineering research and classroom facilities;

(2) the University of Houston—Downtown, \$18,232,500 to construct a classroom building;

(3) the University of Houston—Clear Lake, \$30,918,750 to construct a student services and classroom building; and

(4) the University of Houston—Victoria, \$2,805,000 to remodel the University West facility, acquire and renovate a facility services building, and renovate and expand a facility for the center for community initiatives.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of the University of Houston System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the University of Houston System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) Any portion of the proceeds of bonds authorized by this section for one or more specified projects at an institution that is not required for the

specified projects may be used to renovate existing structures and facilities at the institution.

Sec. 55.1734. TEXAS STATE UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas State University System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts to finance projects specified as follows:

(1) Angelo State University, \$16,917,550 to expand and renovate institutional facilities;

(2) Lamar University—Beaumont, \$21,792,096 to renovate and repair campus buildings;

(3) Lamar Institute of Technology, \$5,301,960 to renovate Gentry Hall and convert it to classroom and laboratory use;

(4) Lamar State College—Orange, \$2,125,000 for campus landscaping, renovation of the old library for physical plant purposes, renovation of the Main Building and Electronics Commerce Resource Center, and demolition of the old physical plant building;

(5) Lamar State College—Port Arthur, \$7,650,000 to construct a performing arts and classroom building and to expand the Gates Memorial Library and develop an adjacent plaza;

(6) Sam Houston State University, \$18 million to renovate and expand the Farrington Building;

(7) Southwest Texas State University, \$18,436,500 to construct a business building; and

(8) Sul Ross State University, \$15,175,000 to renovate and expand the range animal science facility and science building annex and to carry out other building renovations.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of the Texas State University System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State University System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) Any portion of the proceeds of bonds authorized by this section for one or more specified projects at an institution that is not required for the specified projects may be used to renovate existing structures and facilities at the institution.

Sec. 55.1735. UNIVERSITY OF NORTH TEXAS SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the University of North Texas System may issue in accordance with this subchapter and in accordance with a systemwide

revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts to finance projects specified as follows:

(1) the University of North Texas, \$52,933,750 to construct a science building and to develop the campus and facilities of the University of North Texas at Dallas; and

(2) the University of North Texas Health Science Center at Fort Worth, \$27.5 million to construct a biotechnology center and school of public health building.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of the University of North Texas or the University of North Texas Health Science Center at Fort Worth, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds between the University of North Texas and the University of North Texas Health Science Center at Fort Worth to ensure the most equitable and efficient allocation of available resources for the University of North Texas and the University of North Texas Health Science Center at Fort Worth to carry out their duties and purposes.

(d) Any portion of the proceeds of bonds authorized by this section for one or more specified projects at an institution that is not required for the specified projects may be used to renovate existing structures and facilities at the institution.

(e) The board may not issue bonds under Subsection (a)(1) for the University of North Texas at Dallas before September 1, 2003.

Sec. 55.1736. TEXAS WOMAN'S UNIVERSITY. (a) In addition to the other authority granted by this subchapter, the board of regents of Texas Woman's University may issue bonds in accordance with this subchapter in the aggregate principal amount not to exceed \$25,797,500 to finance the renovation of academic and administrative buildings at Texas Woman's University.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of Texas Woman's University, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) Any portion of the proceeds of bonds authorized by this section for one or more specified projects that is not required for the specified projects may be used to renovate existing structures and facilities at the institution.

Sec. 55.1737. MIDWESTERN STATE UNIVERSITY; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of Midwestern State University may issue in accordance with this subchapter bonds not to exceed \$8,967,500 to finance campus improvements at Midwestern State University.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of Midwestern State University, including student tuition charges. The amount of a pledge made under this subsection

may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) Any portion of the proceeds of bonds authorized by this section for one or more specified projects that is not required for the specified projects may be used to renovate existing structures and facilities at the institution.

Sec. 55.1738. STEPHEN F. AUSTIN STATE UNIVERSITY. (a) In addition to the other authority granted by this subchapter, the board of regents of Stephen F. Austin State University may issue in accordance with this subchapter bonds not to exceed \$14,070,000 to finance campus infrastructure improvements, the construction of a telecommunications building, the renovation of power plant facilities, and the replacement or renovation of the Birdwell Building at Stephen F. Austin State University.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of Stephen F. Austin State University, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) Any portion of the proceeds of bonds authorized by this section for one or more specified projects that is not required for the specified projects may be used to renovate existing structures and facilities at the institution.

Sec. 55.1739. TEXAS TECH UNIVERSITY SYSTEM; ADDITIONAL BONDS. (a) In addition to the other authority granted by this subchapter, the board of regents of the Texas Tech University System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts for projects specified as follows:

(1) Texas Tech University, \$23,647,000 to construct an experimental science research facility; and

(2) Texas Tech University Health Sciences Center, \$66,882,525 to construct a clinical and research facility in the city of Lubbock and to construct facilities to support the center's educational programs in the city of El Paso.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of Texas Tech University or the Texas Tech University Health Sciences Center, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds between Texas Tech University and the Texas Tech University Health Sciences Center to ensure the most equitable and efficient allocation of available resources for Texas Tech University and the Texas Tech University Health Sciences Center to carry out their duties and purposes.

(d) Any portion of the proceeds of bonds authorized by this section for one or more specified projects at an institution that is not required for the specified projects may be used to renovate existing structures and facilities at the institution.

Sec. 55.17391. TEXAS SOUTHERN UNIVERSITY; ADDITIONAL BONDS. (a) In addition to other authority granted by this subchapter, the

board of regents of Texas Southern University may issue in accordance with this subchapter bonds not to exceed \$79 million to finance the construction of a science building, the construction of a building for the school of public affairs, the renovation of campus facilities, including electrical and piping systems, and campus landscaping.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of Texas Southern University, including student tuition charges required or authorized by law to be imposed on students enrolled at the university. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) Any portion of the proceeds of bonds authorized by this section for one or more specified projects that is not required for the specified projects may be used to renovate existing structures and facilities at the institution.

(d) Of the bonds authorized by Subsection (a), \$14.5 million may not be issued before March 1, 2003, and may be used only to finance campus renovations.

Sec. 55.17392. TEXAS STATE TECHNICAL COLLEGE SYSTEM. (a) The board of regents of the Texas State Technical College System may issue in accordance with this subchapter and in accordance with a systemwide revenue financing program adopted by the board bonds for the following institutions not to exceed the following aggregate principal amounts for projects specified as follows:

(1) Texas State Technical College—Harlingen, \$3.4 million to construct a facility for a learning resource center and distance learning center;

(2) Texas State Technical College—Marshall, \$1,785,000 to construct a facility for a library and administrative activities;

(3) Texas State Technical College—Waco, \$3.4 million to renovate the industrial technology center; and

(4) Texas State Technical College—West Texas, \$2,295,000 to construct a transportation technologies building.

(b) The board may pledge irrevocably to the payment of those bonds all or any part of the revenue funds of an institution, branch, or entity of the Texas State Technical College System, including student tuition charges. The amount of a pledge made under this subsection may not be reduced or abrogated while the bonds for which the pledge is made, or bonds issued to refund those bonds, are outstanding.

(c) If sufficient funds are not available to the board to meet its obligations under this section, the board may transfer funds among institutions, branches, and entities of the Texas State Technical College System to ensure the most equitable and efficient allocation of available resources for each institution, branch, or entity to carry out its duties and purposes.

(d) Any portion of the proceeds of bonds authorized by this section for one or more specified projects at an institution that is not required for the specified projects may be used to renovate existing structures and facilities at the institution.

SECTION 4. (a) All acts and proceedings of each governing board of an institution of higher education relating to the establishment and collection of

rates, rentals, charges, and fees are validated as of the date the act or proceeding occurred.

(b) This section does not apply to an act or proceeding that on the effective date of this Act:

(1) is involved in litigation that results in a final judicial determination that the act or proceeding is invalid; or

(2) has been held to be invalid by a final judgment of a court.

(c) In this section:

(1) "Governing board" means a governing board as defined by Section 55.01, Education Code, and includes the governing body of a public junior college.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

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

Representative Junell moved to adopt the conference committee report on **HB 658**.

The motion prevailed.

SB 115 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative B. Turner submitted the conference committee report on **SB 115**.

Representative B. Turner moved to adopt the conference committee report on **SB 115**.

The motion prevailed.

SB 406 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative B. Turner submitted the conference committee report on **SB 406**.

Representative B. Turner moved to adopt the conference committee report on **SB 406**.

The motion prevailed.

SB 516 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative B. Turner submitted the conference committee report on **SB 516**.

Representative B. Turner moved to adopt the conference committee report on **SB 516**.

The motion prevailed.

HR 1289 - ADOPTED (by Rangel)

The following privileged resolution was laid before the house:

HR 1289,

BE IT RESOLVED by the House of Representatives of the State of Texas, 77th Legislature, Regular Session, 2001, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences on **SB 1057**, relating to the administration of the TEXAS grant program and to the dissemination of student financial aid information, to consider and take action on the following specific matter:

House Rule 13, Section 9(a)(4), is suspended to permit the committee to add text that is not included in either the House or Senate version of the bill to read as follows:

SECTION 3. Section 56.309, Education Code, is redesignated as Subchapter O, Chapter 56, Education Code, and amended to read as follows:

SUBCHAPTER O. TEACH FOR TEXAS
FINANCIAL ASSISTANCE PROGRAM

Sec. 56.351. DEFINITIONS. In this subchapter:

(1) "Coordinating board" means the Texas Higher Education Coordinating Board.

(2) "Eligible institution of higher education" means:

(A) an institution of higher education; or

(B) a private or independent institution of higher education as defined by Section 61.003.

Sec. 56.352 [56.309]. PURPOSE OF [TEACH FOR TEXAS GRANT] PROGRAM. [(a)] The purpose of this subchapter [the Teach for Texas grant program] is to attract to the teaching profession persons who have expressed interest in teaching and to support the certification of those persons as classroom teachers by providing a grant on the condition that the recipient serve as a classroom teacher in the public schools of this state for a specified period.

Sec. 56.353. ELIGIBILITY FOR GRANT; TEACHING AGREEMENT.

(a) [(b)] A Teach for Texas [tuition] grant is available only to a person who [receives a TEXAS grant under Section 56.304 or 56.305;] applies for a [Teach for Texas tuition] grant[;] and:

(1) is seeking educator certification;

(2) is enrolled in an eligible institution of higher education in this state:

(A) as a junior or senior in a baccalaureate degree program;

or

(B) in the person's first academic year in an educator certification program after receiving a baccalaureate degree;

(3) makes satisfactory progress toward completion of the person's educator certification program; and

(4) satisfies one of the following [if]:

(A) the person is seeking educator certification [(+) the degree program is] in a teaching field certified by the commissioner of education as experiencing a critical shortage of teachers in this state in the year in which the person receives the grant and agrees to teach full-time for five years at the preschool, primary, or secondary level in a public school in this state in that teaching field [begins the degree program]; or

(B) [(2)] the person agrees to teach full-time for five years at the preschool, primary, or secondary level in a public school in this state in a community, which is not required to be specifically designated at the time the person receives the grant, certified by the commissioner of education as experiencing a critical shortage of teachers in any year in which the person receives a grant under this subchapter [section] or in any subsequent year in which the person fulfills the teaching obligation.

(b) The coordinating board in awarding Teach for Texas grants shall give priority to applicants who demonstrate financial need.

(c) If the money available for grants in a period for which grants are awarded exceeds the amount needed to provide grants to all eligible applicants described by Subsection (b), the coordinating board shall award grants from the remaining money to additional eligible applicants. The coordinating board shall prescribe by rule the eligibility requirements for these applicants based on the factors that the coordinating board considers appropriate to further the purposes of this subchapter.

(d) If the money available for grants in a period for which grants are awarded is insufficient to provide grants to all eligible applicants described by Subsection (b), the coordinating board shall give the highest priority to applicants who demonstrate the greatest financial need.

(e) A person may not receive a Teach for Texas tuition grant for more than three academic years or the equivalent.

(f) A person is not eligible to receive a Teach for Texas grant if the person has been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of another jurisdiction involving a controlled substance, as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under this subchapter and has:

(1) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or

(2) been pardoned, had the record of the offense expunged from the person's record, or otherwise has been released from the resulting ineligibility to receive a grant under this subchapter.

(g) For the purpose of this section, a person makes satisfactory academic progress toward completion of an educator certification program if the person:

(1) completes at least 75 percent of the semester credit hours attempted in the student's most recent academic year; and

(2) earns an overall grade point average of at least 2.5 on a four-point scale or the equivalent on coursework previously attempted at institutions of higher education.

Sec. 56.354. AMOUNT OF GRANT; PAYMENT OF GRANT. (a) The amount of a Teach for Texas grant is equal to four times the current amount of a TEXAS grant under Subchapter M for a student enrolled in a general academic teaching institution [To receive a Teach for Texas tuition grant, a person must agree to teach full-time for five years at the preschool, primary, or secondary level in a public school in this state in the person's chosen critical field or in a community experiencing a critical teacher shortage, as applicable].

(b) ~~[(d)]~~ The coordinating board shall pay the amount of a Teach for Texas ~~[tuition]~~ grant in installments, with a substantially equal amount paid in each semester or term based on the number of semesters in which a typical full-time student would complete the recipient's educator certification program. The coordinating board may adjust the amount of a grant for a semester or term, or award a supplemental grant, to ensure that a grant recipient who completes the educator certification program receives the total amount of the recipient's grant ~~[under this section is equal to two times the amount of a TEXAS grant authorized under Section 56.307(b) for the same semester or term].~~

Sec. 56.355. ELIGIBILITY FOR TEXAS GRANT NOT AFFECTED. A person may receive both a TEXAS grant under Subchapter M ~~[Section 56.304 or 56.305]~~ and a Teach for Texas grant under this subchapter ~~[section]~~ for the same semester or term.

Sec. 56.356. SATISFYING TEACHING OBLIGATION; REPAYMENT.
 (a) A person who receives a Teach for Texas grant ~~[(e) The person]~~ must begin fulfilling the teaching obligation of the person's grant ~~[this section]~~ not later than the 18th month after the person completes the educator certification program for which the person received the grant ~~[degree program and any related courses required for teacher certification]~~, unless the coordinating board grants the person additional time to begin fulfilling the teaching obligation.

(b) The person must complete the teaching obligation not later than the sixth year after the date the person begins to fulfill the teaching obligation. The coordinating board shall grant a person additional time to complete the teaching obligation for good cause.

(c) ~~[(f)]~~ The coordinating board shall cancel a person's teaching obligation if the board determines that the person:

- (1) has become permanently disabled so that the person is not able to teach; or
- (2) has died.

(d) ~~[(g)]~~ The coordinating board shall require a person who receives a Teach for Texas grant ~~[under this section]~~ to sign a promissory note acknowledging the conditional nature of the grant and promising to repay the outstanding amount of the grant plus applicable interest and reasonable collection costs if the person does not satisfy the applicable conditions. The board shall determine the terms of the promissory note.

(e) ~~[(h)]~~ The amount required to be repaid by a person who fails to complete the teaching obligation of the person's grant shall be determined in proportion to the portion of the total teaching obligation that the person has not satisfied.

(f) ~~[(i)]~~ A person receiving a Teach for Texas ~~[tuition]~~ grant is considered to have failed to satisfy the conditions of the grant, and the grant automatically becomes a loan, if the person fails to remain enrolled in or to make steady progress in the person's educator certification program and, if applicable, the person's baccalaureate degree program for which the grant was made without good cause as determined by the coordinating board or if the person fails to become certified as a teacher not later than the 18th month after the date the person completes the educator certification program ~~[receives a degree].~~

Sec. 56.357. TEACH FOR TEXAS ALTERNATIVE CERTIFICATION ASSISTANCE PROGRAM. (a) The coordinating board shall establish a program under which the coordinating board awards grants to assist persons seeking educator certification through alternative educator certification programs as provided by this section.

(b) To be eligible for a grant under the program, a person must apply for a grant and:

(1) have received a baccalaureate degree from an eligible institution of higher education or an accredited out-of-state institution of higher education; and

(2) enroll in an alternative educator certification program described by Section 21.049 and satisfy either of the following conditions:

(A) be seeking educator certification in a teaching field certified by the commissioner of education as experiencing a critical shortage of teachers in this state in the year in which the person receives the grant and agree to teach for five years in a public school in this state in that teaching field; or

(B) agree to teach for five years in a public school in this state in a community, which is not required to be specifically designated at the time the person receives the grant, certified by the commissioner of education as experiencing a critical shortage of teachers in any year in which the person receives a grant under this section or in any subsequent year in which the person fulfills the teaching obligation.

(c) A person is not eligible to receive a grant under the program if the person has been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of another jurisdiction involving a controlled substance, as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under this section and has:

(1) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or

(2) been pardoned, had the record of the offense expunged from the person's record, or otherwise has been released from the resulting ineligibility to receive a grant under the program.

(d) In selecting applicants to receive grants under the program, the coordinating board shall consider:

(1) the financial resources of an applicant;

(2) the efficient use of the money available for grants;

(3) the opportunity of applicants from all regions of this state to receive grants; and

(4) any other factor the coordinating board considers appropriate to further the purposes of this subchapter.

(e) The amount of a grant under the program is equal to two times the current amount of a TEXAS grant under Subchapter M for a student enrolled in a general academic teaching institution. The coordinating board may pay the amount of the grant in installments during the period in which the person is enrolled in the person's alternative educator certification program.

(f) The person must begin fulfilling the person's teaching obligation not later than the 18th month after the person completes the alternative educator certification program, unless the coordinating board for good cause grants the person additional time to begin fulfilling the teaching obligation. The person must complete the teaching obligation not later than the sixth year after the date the person begins to fulfill the teaching obligation. The coordinating board shall grant a person additional time to complete the teaching obligation for good cause.

(g) The coordinating board shall cancel a person's teaching obligation if the coordinating board determines that the person:

(1) has become permanently disabled so that the person is not able to teach; or

(2) has died.

(h) The coordinating board shall require a person who receives a grant to sign a promissory note acknowledging the conditional nature of the grant and promising to repay the amount of the grant plus applicable interest and reasonable collection costs if the person does not satisfy the applicable conditions of the grant. The coordinating board shall determine the terms of the promissory note.

(i) The amount required to be repaid by a person who fails to complete the teaching obligation of the person's grant shall be determined in proportion to the portion of the teaching obligation that the person has not satisfied.

(j) A person receiving a grant is considered to have failed to satisfy the conditions of the grant, and the grant automatically becomes a loan, if the person, without good cause as determined by the coordinating board, fails to:

(1) remain enrolled in or to make steady progress in the alternative educator certification program for which the grant was made or, with the approval of the coordinating board, in another alternative educator certification program; or

(2) become certified as a classroom teacher not later than the 18th month after the date the person completes the alternative educator certification program.

Sec. 56.358. FUNDING; ALLOCATION OF FUNDING. (a) The coordinating board may solicit and accept gifts and grants from any public or private source for the purposes of this subchapter.

(b) The legislature may appropriate money for the purposes of this subchapter.

SECTION 4. The heading to Subchapter M, Chapter 56, Education Code, as added by Chapter 1590, Acts of the 76th Legislature, Regular Session, 1999, is amended to read as follows:

SUBCHAPTER M. TOWARD EXCELLENCE,
ACCESS, & SUCCESS (TEXAS)

~~GRANT PROGRAM [AND TEACH FOR TEXAS GRANT PROGRAM]~~

SECTION 5. Subsection (b), Section 56.308, Education Code, is amended to read as follows:

(b) Each school district shall:

(1) notify its middle school students, junior high school students, and high school students, those students' teachers and counselors, and those students' parents of the TEXAS grant and Teach for Texas grant programs [~~established~~

~~under this subchapter~~], the eligibility requirements of each program, the need for students to make informed curriculum choices to be prepared for success beyond high school, and sources of information on higher education admissions and financial aid in a manner that assists the district in implementing a strategy adopted by the district under Section 11.252(a)(4); and

(2) ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete:

(A) the recommended or advanced high school curriculum required for grant eligibility under Section 28.002 or 28.025; or

(B) for a school district covered by Section 56.304(f)(1), the required portion of the recommended or advanced high school curriculum in the manner described by Section 56.304(f)(2).

SECTION 6. Section 56.311, Education Code, is amended to read as follows:

Sec. 56.311. LEGISLATIVE OVERSIGHT COMMITTEE. (a) The Legislative Oversight Committee on the TEXAS grant program and Teach for Texas grant program [~~programs established by this subchapter~~] is composed of six members as follows:

(1) three members of the senate appointed by the lieutenant governor; and

(2) three members of the house of representatives appointed by the speaker of the house of representatives.

(b) The committee shall:

(1) meet at least twice a year with the coordinating board; and

(2) receive information regarding rules relating to the TEXAS grant program and Teach for Texas grant program [~~programs established by this subchapter~~] that have been adopted by the coordinating board or proposed for adoption by the coordinating board.

(c) The committee may request reports and other information from the coordinating board relating to the operation of the TEXAS grant program and Teach for Texas grant program [~~programs under this subchapter~~] by the coordinating board.

(d) The committee shall review the specific recommendations for legislation related to this subchapter that are proposed by the coordinating board.

(e) The committee shall monitor the operation of the TEXAS grant program and Teach for Texas grant program [~~programs established under this subchapter~~], with emphasis on the manner of the award of grants, the number of grants awarded, and the educational progress made by persons who have received grants under those programs [~~this subchapter~~].

(f) The committee shall file a report with the governor, lieutenant governor, and speaker of the house of representatives not later than December 31 of each even-numbered year.

(g) The report shall include identification of any problems in the TEXAS grant program and Teach for Texas grant program [~~programs operated under this subchapter~~] with recommended solutions for the coordinating board and for legislative action.

SECTION 7. Subsection (a), Section 11.252, Education Code, is amended to read as follows:

(a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the academic excellence indicators adopted under Section 39.051. The district improvement plan must include provisions for:

(1) a comprehensive needs assessment addressing district student performance on the academic excellence indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29;

(2) measurable district performance objectives for all appropriate academic excellence indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment;

(3) strategies for improvement of student performance that include:

(A) instructional methods for addressing the needs of student groups not achieving their full potential;

(B) methods for addressing the needs of students for special programs, such as suicide prevention, conflict resolution, violence prevention, or dyslexia treatment programs;

(C) dropout reduction;

(D) integration of technology in instructional and administrative programs;

(E) discipline management;

(F) staff development for professional staff of the district;

(G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and

(H) accelerated education;

(4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and counselors, and those students' parents information about:

(A) higher education admissions and financial aid opportunities;

(B) the TEXAS grant program and the Teach for Texas grant program established under ~~[Subchapter M,]~~ Chapter 56;

(C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and

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

(5) resources needed to implement identified strategies;

(6) staff responsible for ensuring the accomplishment of each strategy;

(7) timelines for ongoing monitoring of the implementation of each

improvement strategy; and

(8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

SECTION 8. Subchapter M, Chapter 61, Education Code, is amended by amending Section 61.702 and adding Section 61.7021 to read as follows:

Sec. 61.702. ELIGIBILITY FOR CLASSROOM TEACHER REPAYMENT ASSISTANCE. (a) To be eligible to receive repayment assistance for classroom teachers, a person must apply to the board and must ~~have~~:

(1) ~~have~~ completed at least one year of employment as ~~[and be employed as]~~ a full-time classroom teacher at the preschool, primary, or secondary level in a public school in [the elementary or secondary schools of] this state in an area or field of acute teacher shortage as designated by the commissioner of education [State Board of Education]; and

(2) be employed as a full-time classroom teacher at the preschool, primary, or secondary level in a public school in this state in an area or field described by Subdivision (1).

(b) A person is not eligible for repayment assistance for classroom teachers under this subchapter if the person has received a Teach for Texas grant or other financial assistance under Subchapter O, Chapter 56, or under former Section 56.309.

(c) The board shall give priority in granting repayment assistance for classroom teachers to a person who received repayment assistance for classroom teachers for the preceding school year. The priority terminates if the person does not apply for or is not eligible for that assistance. In extraordinary circumstances, the board may allow a person to maintain the priority after one or more years in which the person is unable to teach as a classroom teacher.

Sec. 61.7021. ELIGIBILITY FOR BORDER INSTITUTION FACULTY REPAYMENT ASSISTANCE. To be eligible to receive repayment assistance for border institution faculty, a person must apply to the board and must:

(1) ~~have~~ ~~or~~

~~(2)~~ received a doctoral degree not earlier than September 1, 1994, from a public or private institution of higher education accredited as required by the board; and

(2) be employed as a full-time faculty member with instructional duties in an institution of higher education located in a county that borders the United Mexican States.

SECTION 9. Section 61.705, Education Code, is amended by amending Subsection (c) and adding Subsections (d) and (e) to read as follows:

(c) The minimum amount of repayment assistance that may be awarded in one year to a person who qualifies for the assistance under Section 61.702 is the lesser of:

(1) \$1,000; or

(2) the amount of principal and accrued interest that is due on eligible loans in that year.

(d) A person may not receive repayment assistance for classroom teachers under this subchapter in a total amount that exceeds \$5,000, and may not receive that repayment assistance for more than five years.

(e) The minimum amount of repayment assistance that may be awarded

[received] in one year to [by] a person who qualifies for the assistance under [described by] Section 61.7021 [~~61.702(2)~~] is 50 percent of the amount of principal and accrued interest that is due on eligible loans that year.

SECTION 10. Subsection (a), Section 61.708, Education Code, is amended to read as follows:

(a) The board shall adopt rules necessary for the administration of this subchapter, including[:

~~[(1) a rule that sets a minimum or maximum amount of repayment assistance that may be received in one year by a person described by Section 61.702(1); and~~

~~[(2) a rule that sets a maximum amount of repayment assistance that may be received in one year by a person who qualifies for the assistance under Section 61.7021 [described by Section 61.702(2)].~~

SECTION 11. . . .

(b) The Texas Higher Education Coordinating Board shall implement the changes made by this Act to the Teach for Texas grant program and to the classroom teacher loan repayment assistance program under Subchapter M, Chapter 61, Education Code, as soon as practicable after the effective date of this Act, but not later than the 2002-2003 academic year.

(c) The Texas Higher Education Coordinating Board shall adopt initial rules for awarding grants and shall award grants under the Teach for Texas alternative certification assistance program established under Section 56.357, Education Code, as added by this Act, as soon as practicable.

Explanation: These additions are necessary to provide appropriate financial aid and other incentives for persons to complete the educational requirements for educator certification, by revising the Teach for Texas grant program and applying the program to alternative educator certification programs, by revising the classroom teacher loan repayment assistance program, and by making appropriate conforming changes to the law.

HR 1289 was adopted without objection.

SB 1057 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Rangel submitted the conference committee report on **SB 1057**.

Representative Rangel moved to adopt the conference committee report on **SB 1057**.

A record vote was requested.

The motion prevailed by (Record 625): 124 Yeas, 21 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crownover; Danburg; Davis, J.; Davis, Y.; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hill; Hinojosa; Hochberg; Hodge; Homer; Hopson; Hunter; Hupp;

Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Martinez Fischer; Maxey; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Ritter; Sadler; Salinas; Seaman; Smith; Smithee; Solis; Solomons; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wolens; Yarbrough; Zbranek.

Nays — Berman; Bonnen; Corte; Crabb; Craddick; Delisi; Denny; Green; Hartnett; Heflin; Hope; Howard; King, P.; Madden; McCall; Nixon; Reyna, E.; Shields; Talton; Truitt; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hawley; Hilbert.

Absent — Hilderbran; Wohlgemuth.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 625. I intended to vote no.

B. Brown

When Record No. 625 was taken, I was in the house but away from my desk. I would have voted yes.

Hilderbran

HB 757 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Coleman submitted the following conference committee report on **HB 757**:

Austin, Texas, May 22, 2001

Honorable Bill Ratliff
President of the Senate

Honorable James E. "Pete" Laney
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 757** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Bernsen
Shapleigh
Nelson
Sibley

Coleman
Uresti
Gray
Glaze

On the part of the Senate On the part of the House

HB 757, A bill to be entitled An Act relating to the establishment of a task force to eliminate health and health access disparities in Texas.

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

SECTION 1. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 107 to read as follows:

CHAPTER 107. HEALTH DISPARITIES TASK FORCE

Sec. 107.001. DEFINITION. In this chapter, "task force" means the health disparities task force established under this chapter.

Sec. 107.002. PURPOSE. The purpose of the task force is to assist the department in accomplishing the following goals:

(1) to eliminate health and health access disparities in Texas among multicultural, disadvantaged, and regional populations; and

(2) to reorganize department programs to eliminate those disparities.

Sec. 107.003. DUTIES. (a) The task force shall:

(1) investigate and report on issues related to health and health access disparities among multicultural, disadvantaged, and regional populations;

(2) develop short-term and long-term strategies to eliminate health and health access disparities among multicultural, disadvantaged, and regional populations, with a focus on reorganizing department programs to eliminate those disparities;

(3) monitor the progress of the department in:

(A) eliminating the health and health access disparities; and

(B) reorganizing department programs to eliminate the disparities; and

(4) advise the department on the implementation of any targeted programs or funding authorized by the legislature to address health and health access disparities.

(b) In performing the duties described in Subsection (a), the task force shall consult with the department, the Office of Minority Health and Cultural Competency, women's health offices of the department, and any other relevant division of the department.

Sec. 107.004. REPORT. The task force shall submit an annual report on the progress of the department in accomplishing the goals described by Section 107.002 to the governor, lieutenant governor, and speaker of the house of representatives. This report may be combined with any other report required of the department by law.

Sec. 107.005. COMPOSITION. (a) The task force consists of nine members as follows:

(1) three members appointed by the governor, each of whom represents a different interest described by Subsection (b);

(2) three members appointed by the lieutenant governor, each of whom represents a different interest described by Subsection (b); and

(3) three members appointed by the speaker of the house of representatives, each of whom represents a different interest described by Subsection (b).

(b) Each of the members appointed under Subsection (a) must represent one of the following areas:

(1) business;

(2) labor;

(3) government;

(4) charitable or community organizations;

(5) racial or ethnic populations; or

(6) community-based health organizations.

(c) Members appointed under Subsection (a) must represent both urban and rural areas of this state, including urban and rural areas of the state adjacent to the border with the United Mexican States.

(d) The governor shall designate a member of the committee to serve as presiding officer.

(e) Members serve staggered two-year terms. Four or five members' terms expire February 1 of each year.

(f) An appointment to fill a vacancy for the unexpired term of a member shall be made not later than the 90th day after the date the position becomes vacant.

Sec. 107.006. MEETINGS. The task force shall meet at the call of the presiding officer.

Sec. 107.007. REIMBURSEMENT FOR EXPENSES. A task force member is not entitled to compensation but is entitled to reimbursement for the member's travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act.

Sec. 107.008. PERSONNEL AND FACILITIES. The task force is administratively attached to the department. The department shall provide the necessary staff and facilities to assist the task force in performing its duties.

Sec. 107.009. APPLICABILITY OF OTHER LAW. Chapter 2110, Government Code, does not apply to the task force.

SECTION 2. The terms of the initial members of the health disparities task force shall be determined by lot so that:

(1) five members' terms expire February 1, 2003; and

(2) four members' terms expire February 1, 2004.

SECTION 3. This Act takes effect September 1, 2001.

Representative Coleman moved to adopt the conference committee report on **HB 757**.

The motion prevailed.

**HB 1739 - HOUSE DISCHARGES CONFEREES
HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1739, A bill to be entitled An Act relating to the penalty for the violation of certain laws involving the restraint of a child in a motor vehicle.

Representative Martinez Fischer moved to discharge the conferees and concur in the senate amendments to **HB 1739**.

The motion prevailed.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 1739** as follows:

(1) In SECTION 1 of the bill, at the end of added Subsection (g), Section 545.412, Transportation Code, add:

(h) Notwithstanding Section 542.402(a), a municipality or county, at the end of the municipality's or county's fiscal year, shall send to the comptroller an amount equal to 50 percent of the fines collected by the municipality or the county for violations of this section. The comptroller shall deposit the amount received to the credit of the tertiary care fund for use by trauma centers.

(2) In SECTION 2 of the bill, at the end of added Subsection (i), Section 545.413, Transportation Code, add:

(j) Notwithstanding Section 542.402(a), a municipality or county, at the end of the municipality's or county's fiscal year, shall send to the comptroller an amount equal to 50 percent of the fines collected by the municipality or the county for violations of this section. The comptroller shall deposit the amount received to the credit of the tertiary care fund for use by trauma centers.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 1739** as follows:

(1) In SECTION 1 of the bill, proposed Subsection (g), Section 545.412, Transportation Code (page 1, Committee Printing), strike lines 23-28 and substitute the following:

defendant has successfully completed a specialized driving safety course approved by the Texas Education Agency under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes) that includes four hours of instruction that encourages the use of child passenger safety seat systems and the wearing of seat belts and emphasizes:

(1) the effectiveness of child passenger safety seat systems and seat belts in reducing the harm to children being transported in motor vehicles; and

(2) In SECTION 2 of the bill, proposed Subsection (i), Section 545.413, Transportation Code (page 1, Committee Printing), strike lines 44 and 45 and substitute the following:

defendant has successfully completed a specialized driving safety course approved by the Texas Education Agency under the Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes) that includes four hours of instruction that encourages the use of child passenger safety seat systems and the wearing of seat belts and emphasizes:

(1) the effectiveness of child passenger safety seat systems and seat belts in reducing the harm to children being transported in motor vehicles; and

(2) the requirements of this section and the penalty for noncompliance.

HR 1353 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1353**, suspending the limitations on the conferees for **SB 886**.

RESOLUTIONS 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.)

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Conference committee on **HB 1839**, 1:30 p.m. today, Betty King conference room.

RECESS

Representative Noriega moved that the house recess until 4 p.m. today.

The motion prevailed without objection.

The house accordingly, at 1:07 p.m., recessed until 4 p.m. today.

AFTERNOON SESSION

The house met at 4 p.m. and was called to order by the speaker.

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. 71).

MESSAGE FROM THE SENATE

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

**SB 1656 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Isett, the house granted the request of the senate for the appointment of a conference committee on **SB 1656**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1656**: Keffer, chair, Solis, Seaman, Homer, and McClendon.

(Isett in the chair)

ADJOURNMENT

Representative Miller moved that the house adjourn until 2 p.m. tomorrow in memory of Joel Hillin of Stephenville.

The motion prevailed without objection.

The house accordingly, at 4:53 p.m., adjourned until 2 p.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

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

List No. 1

HR 1311 (By Chavez), Honoring the late Louis Reinhardt of El Paso on his posthumous induction into the 2001 El Paso County Democratic Hall of Fame.

To Rules & Resolutions.

HR 1312 (By Deshotel), Honoring Rodney Hughes for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1313 (By Deshotel), Honoring Deonne Cunningham for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1314 (By Deshotel), Honoring Jennifer Parrott for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1315 (By Deshotel), Honoring LaTonya Edwards for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1316 (By Deshotel), Honoring Alene Riley for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1317 (By Deshotel), Honoring Corey D. Williams for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1318 (By Deshotel), Honoring Michelle Hinson for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1319 (By Deshotel), Honoring Jose P. Garza for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1320 (By Deshotel), Honoring Darrin E. Johnson for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1321 (By Deshotel), Honoring Stacy Hill for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1322 (By Deshotel), Honoring Jennifer Davis for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1323 (By Deshotel), Honoring Naila Ahmed for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1324 (By Deshotel), Honoring Carla Harleaux for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1325 (By Deshotel), Honoring Edinia Espinoza for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1326 (By Deshotel), Honoring Patrick Lin for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1327 (By Deshotel), Honoring Craig Dykes for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1328 (By Deshotel), Honoring Sara McCuiston for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1329 (By Deshotel), Honoring Lisa D. Juarez for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1330 (By Deshotel), Honoring Jennifer Clay for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1331 (By Deshotel), Honoring Phillip Dupre for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1332 (By Deshotel), Honoring Julie Glasco for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1333 (By Deshotel), Honoring Chad W. Dunn for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1334 (By Deshotel), Honoring Vanessa Wilson for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1335 (By Deshotel), Honoring Natalie Johnson for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1336 (By Deshotel), Honoring Alan Burrows for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1337 (By Deshotel), Honoring Jason Allen McLemore for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1338 (By Deshotel), Honoring Elizabeth Green for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1339 (By Deshotel), Honoring Rico Reyes for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1341 (By Deshotel), Honoring Daniel Hernandez for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1342 (By Deshotel), Honoring Nakiya Jones for her participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HR 1343 (By Deshotel), Honoring Daron Roberts for his participation in the 2001 Texas Legislative Internship Program.

To Rules & Resolutions.

HB1345. (By R. Lewis), Honoring members' spouses for their support.

To Rules & Resolutions

SIGNED BY THE SPEAKER

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

House List No. 70

HB 342, HB 396, HB 472, HB 653, HB 678, HB 704, HB 785, HB 820, HB 821, HB 824, HB 834, HB 936, HB 1006, HB 1018, HB 1022, HB 1023, HB 1050, HB 1096, HB 1118, HB 1161, HB 1183, HB 1188, HB 1200, HB 1214, HB 1241, HB 1243, HB 1258, HB 1285, HB 1287, HB 1333, HB 1359, HB 1365, HB 1403, HB 1408, HB 1418, HB 1445, HB 1562, HB 1572, HB 1617, HB 1645, HB 1659, HB 1685, HB 1691, HB 1692, HB 1697, HB 1712, HB 1716, HB 1757, HB 1794, HB 1811, HB 1856, HB 1887, HB 1913, HB 1938

House List No. 71

HB 706, HB 1449, HB 1845, HB 1890, HB 1981, HB 2287, HB 2510, HB 2873, HB 3006, HB 3433, HCR 235, HCR 317

Senate List No. 37

SB 1, SB 4, SB 5, SB 113, SB 192, SB 217, SB 224, SB 393, SB 450, SB 563, SB 577, SB 583, SB 609, SB 616, SB 654, SB 965, SB 1047, SB 1074, SB 1091, SB 1125, SB 1164, SB 1212, SB 1268, SB 1282, SB 1308, SB 1467, SB 1684, SB 1763, SB 1797, SCR 59, SCR 62, SCR 66, SCR 70, SJR 49

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Saturday, May 26, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 2 Najera SPONSOR: Shapleigh
Recognizing February 6-7, 2001, as El Paso Days at the State Capitol.

HCR 123 Geren SPONSOR: Moncrief
Honoring LaDainian Tomlinson on his receipt of the 2000 Doak Walker Award.

HCR 238 Jones, Delwin SPONSOR: Duncan
In honor of the retirement of Texas Tech University head football coach Spike Dykes.

HCR 278 Geren SPONSOR: Moncrief
Congratulating the Texas Christian University Lady Frogs basketball team on winning their first Western Athletic Conference championship.

HCR 289 Ellis, Dan SPONSOR: Ogden
Honoring Marshall Herklotz of Huntsville on his retirement from the Texas Department of Criminal Justice.

HCR 292 Garcia SPONSOR: Zaffirini
Declaring June 2001 to be "Falun Dafa Awareness Month" in Texas.

HCR 306 Junell SPONSOR: Ogden
Congratulating David P. McNutt of Huntsville on his retirement from the Texas Department of Criminal Justice.

HCR 310 Homer SPONSOR: Ratliff
Congratulating L. C. Stout on his retirement as superintendent of the Prairiland Independent School District.

HCR 317 Isett SPONSOR: Nelson
Recalling **HB3038** from the governor.

HCR 319 Shields SPONSOR: Nelson
Commemorating the quasiquicentennial of the Texas Constitution.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 195 (viva-voce vote)

SB 279 (30 Yeas, 0 Nays, 1 Present Not Voting)

SB 338 (30 Yeas, 0 Nays, 1 Present Not Voting)

SB 687 (30 Yeas, 0 Nays, 1 Present Not Voting)

SB 736 (viva-voce vote)

SB 791 (viva-voce vote)

SB 889 (viva-voce vote)

SB 893 (viva-voce vote)

- SB 975** (30 Yeas, 0 Nays, 1 Present Not Voting)
SB 1051 (viva-voce vote)
SB 1078 (30 Yeas, 0 Nays, 1 Present Not Voting)
SB 1190 (viva-voce vote)
SB 1411 (viva-voce vote)
SB 1776 (viva-voce vote)
SB 1777 (viva-voce vote)

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 981

Senate Conferees: Armbrister - Chair/Bernsen/Bivins/Brown, J. E. "Buster"/Ogden

HB 1148

Senate Conferees: Armbrister - Chair/Fraser/Jackson/Lucio/Van de Putte

HB 2890

Senate Conferees: Madla - Chair/Armbrister/Barrientos/Shapiro/West, Royce

HB 2914

Senate Conferees: Duncan - Chair/Ellis, Rodney/Harris/Ogden/Zaffirini

THE SENATE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

- SB 382** (viva-voce vote)

Respectfully,

Betty King

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Saturday, May 26, 2001 - 2

The Honorable Speaker of the House
 House Chamber
 Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

- HCR 321** Grusendorf
 Recalling **SB 826** from the senate to the house.

HCR 322 Janek SPONSOR: Bernsen
Recalling **HB 1515** from the governor.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 144 (viva-voce vote)
SB 161 (viva-voce vote)
SB 220 (viva-voce vote)
SB 280 (viva-voce vote)
SB 333 (viva-voce vote)
SB 372 (viva-voce vote)
SB 416 (30 Yeas, 0 Nays, 1 Present Not Voting)
SB 465 (30 Yeas, 0 Nays, 1 Present Not Voting)
SB 512 (viva-voce vote)
SB 533 (viva-voce vote)
SB 544 (viva-voce vote)
SB 581 (viva-voce vote)
SB 688 (30 Yeas, 0 Nays, 1 Present Not Voting)
SB 917 (viva-voce vote)
SB 929 (viva-voce vote)
SB 1050 (viva-voce vote)
SB 1181 (30 Yeas, 0 Nays, 1 Present Not Voting)
SB 1245 (30 Yeas, 0 Nays, 1 Present Not Voting)
SB 1296 (viva-voce vote)
SB 1299 (viva-voce vote)
SB 1646 (viva-voce vote)
SB 1654 (viva-voce vote)
SB 1690 (viva-voce vote)
SB 1767 (30 Yeas, 0 Nays, 1 Present Not Voting)
SB 1773 (30 Yeas, 0 Nays, 1 Present Not Voting)
SB 1775 (viva-voce vote)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 1656
Senate Conferees: Sibley - Chair/Fraser/Jackson/Lucio/Shapleigh

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 660

Senate Conferees: Van de Putte - Chair/Bivins/Shapiro/Shapleigh/Staples

HB 2061

Senate Conferees: Cain - Chair/Brown, J. E. "Buster"/Ogden/West, Royce/Zaffirini

HB 2404

Senate Conferees: Brown, J. E. "Buster" - C/Armbrister/Bivins/Lucio/Wentworth

HB 2509

Senate Conferees: Shapiro - Chair/Fraser/Jackson/Madla/Staples

HB 2932

Senate Conferees: Carona - Chair/Cain/Duncan/Moncrief/Sibley

HB 3016

Senate Conferees: Shapiro - Chair/Carona/Nelson/Van de Putte/Zaffirini

HB 3244

Senate Conferees: Duncan - Chair/Armbrister/Ellis, Rodney/Ogden/Zaffirini

HB 3348

Senate Conferees: Haywood - Chair/Bernsen/Brown, J. E. "Buster"/Ogden/Staples

HB 3578

Senate Conferees: Shapleigh - Chair/Carona/Lucio/Nelson/Van de Putte

THE SENATE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 236 (20 Yeas, 9 Nays, 1 Present Not Voting)

HB 606 (viva-voce vote)

HB 658 (30 Yeas, 0 Nays, 1 Present Not Voting)

HB 1922 (viva-voce vote)

HB 2446 (viva-voce vote)

SB 22 (30 Yeas, 0 Nays, 1 Present Not Voting)

SB 65 (viva-voce vote)

SB 304 (viva-voce vote)

SB 516 (viva-voce vote)

SB 555 (30 Yeas, 0 Nays, 1 Present Not Voting)

SB 1444 (30 Yeas, 0 Nays, 1 Present Not Voting)

SB 1472 (30 Yeas, 0 Nays, 1 Present Not Voting)

SB 1596 (30 Yeas, 0 Nays, 1 Present Not Voting)

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 25

State, Federal & International Relations - **HR 646**

ENROLLED

May 25 - HB 66, HB 71, HB 116, HB 176, HB 196, HB 223, HB 299, HB 310, HB 342, HB 396, HB 400, HB 460, HB 472, HB 598, HB 623, HB 631, HB 653, HB 678, HB 785, HB 820, HB 821, HB 824, HB 834, HB 835, HB 877, HB 936, HB 1001, HB 1004, HB 1006, HB 1018, HB 1022, HB 1024, HB 1050, HB 1096, HB 1107, HB 1117, HB 1121, HB 1127, HB 1138, HB 1161, HB 1183, HB 1188, HB 1200, HB 1214, HB 1241, HB 1243, HB 1258, HB 1285, HB 1287, HB 1333, HB 1359, HB 1365, HB 1403, HB 1408, HB 1418, HB 1445, HB 1562, HB 1645, HB 1659, HB 1685, HB 1691, HB 1692, HB 1697, HB 1712, HB 1716, HB 1757, HB 1794, HB 1856, HB 1938

SENT TO THE GOVERNOR

May 25 - HB 66, HB 71, HB 116, HB 131, HB 141, HB 171, HB 176, HB 196, HB 299, HB 398, HB 541, HB 557, HB 609, HB 726, HB 1075, HB 1107, HB 1117, HB 1448, HB 1450, HB 1490, HB 1706, HB 1721, HB 2008, HB 2058, HB 2119, HB 2173, HB 2179, HB 2316, HB 2410, HB 2477, HB 2614, HB 2643, HB 2723, HB 2793, HB 2972, HB 3355, HB 3590, HB 3604, HCR 99, HCR 120, HCR 128, HCR 217, HCR 257, HCR 273, HCR 290, HCR 297, HCR 304

SIGNED BY THE GOVERNOR

May 25 - HB 1799, HB 2354, HB 2610

