

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FORTY-NINTH DAY — THURSDAY, APRIL 10, 2003

The house met at 11 a.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 188).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Denny; Laney; Smithee.

The invocation was offered by Dr. Charles A. Murphy, pastor, Heritage Baptist Church, Missouri City, as follows:

Our Father, who art in heaven, we come to your throne with humble hearts, thanking you for the blessings you have given us. We thank you for Jesus who came to this earth to give his life on the cross so that all who repent of their sin and trust in him could have life and have it more abundantly. Father, I ask your blessing on these men and women who have been elected to faithfully serve the citizens of Texas. As Moses was led by you to deliver just and godly laws and statutes to the people of Israel, lead these lawmakers to produce just and godly laws and statutes for the people of Texas. Father, you said to Moses, "What is that in thine hand?" And he said, 'A rod.'" (Exodus 4:2) Just a stick, Lord! You told him to use it; he did use it, and you blessed him and his people. Father, you have placed these men and women in leadership of our great state and placed in

their hands the tools needed to lead us in ways that will bring you honor and glory. It is my prayer that this house will not only see what you have placed in their hands, but they will seek to use it wisely.

Father, we know that it is not always easy to do what is right, but you said, "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land." Father, may we always be humble people, seeking to do your will and may we always see the things that are not right and turn from them. For we know if we do this you will see from heaven and you will heal our land.

I also pray for President Bush as he leads our country. Give him wisdom, give him your strength and uphold him with your might. I ask you, Lord, to take care of our men and women who are in harm's way, who are sacrificing their lives for the freedom we have in this great land. Lord, watch over them, shield them from harm, and bring them home soon.

Father, we ask all in the name of Jesus Christ our Lord and Saviour. Amen.

HR 728 - ADOPTED (by Taylor)

Representative Taylor moved to suspend all necessary rules to take up and consider at this time **HR 728**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 728, Honoring the Laura Recovery Center Foundation in Friendswood.

HR 728 was adopted without objection.

On motion of Representative Hill, the names of all the members of the house were added to **HR 728** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Taylor who introduced the mother of Laura Kate Smither and staff members from the Laura Recovery Center Foundation.

CORRECTION TO JOURNAL

Representative Woolley moved to correct the journal to reflect that the Committee on Calendars rule adopted for **CSHB 1** on Wednesday, April 9 is as follows:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk not later than 12:00 noon, Saturday, April 12, 2003.

Section 2. (a) During second and third reading consideration of the bill, an amendment that adds or increases an item of appropriation is not in order unless the amendment contains an equal or greater reduction in one or more other items of appropriations from the fund or funds against which the appropriation is to be certified.

(b) This section does not apply to an amendment that makes an adjustment in an item of appropriation solely to correct a technical clerical error.

The motion prevailed without objection.

LEAVES OF ABSENCE GRANTED

On motion of Representative Reyna and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Reyna moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed without objection.

MOTION FOR ONE RECORD VOTE

One motion of Representative Reyna and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR THIRD READING

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 189): 143 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter;

Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Denny; Laney; Smithee.

Absent — Oliveira.

HB 591

HB 627

HB 641

SB 353

HB 882

HB 1046

SB 430

HB 1226

HB 1237

HB 1322

HB 1522

HB 1531

HB 1832

HB 1858

HB 1890

HB 1949

HB 2012

HB 2061

HB 2071

HB 2092

HB 2116

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

HB 263

HB 802

HB 845

HB 861

HB 904

HB 928

HB 948

HB 1049

HB 1056

HB 1174

HB 1234

HB 1264

HB 1274

HB 1401

HB 1454

HB 1508

HB 1517

HB 1528

HB 1597

HB 1625

HB 1696

HB 1754

HB 1784

HB 1831

HB 1836

HB 1975

HB 1984

SB 583

HB 2021

HB 2064

HB 2091

HB 2093

HB 2152

HB 2153

HB 2300

HB 2382

SB 121

POSTPONED BUSINESS

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

**HB 1118 ON SECOND READING
(by Wohlgemuth, et al.)**

HB 1118, A bill to be entitled An Act relating to the enrollment of certain children and recipients of medical assistance in group health benefit plans.

HB 1118 was read second time on March 31, postponed until April 2, and was again postponed until 11 a.m. today.

Representative Wohlgemuth moved to postpone consideration of **HB 1118** until 10 a.m. Tuesday, April 22.

The motion prevailed without objection.

**HB 1115 ON SECOND READING
(by Hartnett, Naishtat, and Menendez)**

HB 1115, A bill to be entitled An Act relating to the euthanasia of an animal by an animal shelter; providing criminal penalties.

HB 1115 was read second time on April 7 and was postponed until 11 a.m. today.

Representative Hartnett moved to postpone consideration of **HB 1115** until 11 a.m. Tuesday, April 22.

The motion prevailed without objection.

**HB 1743 ON SECOND READING
(by Delisi, et al.)**

HB 1743, A bill to be entitled An Act relating to prevention of fraud and abuse under the medical assistance program; creating an offense.

HB 1743 was read second time on April 9, postponed until the end of the calendar on April 9, amended, and was again postponed until 11 a.m. today.

Amendment No. 3

Representative Delisi offered the following amendment to **HB 1743**:

Amend **HB 1743** as follows:

(1) On page 2, line 15, strike "an irregularity" and substitute "a pattern of suspected fraud or abuse involving criminal conduct".

(2) On page 9, between lines 3 and 4, insert a new SECTION 8 to read as follows and renumber the subsequent sections of the bill appropriately:

SECTION 8. Subchapter C, Chapter 531, Government Code, is amended by adding Section 531.1011 to read as follows:

Sec. 531.1011. DEFINITIONS. For purposes of this subchapter:

(1) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to that person or some other person, including any act that constitutes fraud under applicable federal or state law.

(2) "Furnished" refers to items or services provided directly by, or under the direct supervision of, or ordered by, a practitioner or other individual (either as an employee or in the individual's own capacity), a provider, or other supplier of services, excluding services ordered by one party but billed for and provided by or under the supervision of another.

(3) "Hold on payment" means the temporary denial of reimbursement under the Medicaid program for items or services furnished by a specified provider.

(4) "Practitioner" means a physician or other individual licensed under state law to practice the individual's profession.

(5) "Program exclusion" means the suspension of a provider from being authorized under the Medicaid program to request reimbursement of items or services furnished by that specific provider.

(6) "Provider" means a person, firm, partnership, corporation, agency, association, institution, or other entity that was or is approved by the commission to:

(A) provide medical assistance under contract or provider agreement with the commission; or

(B) provide third-party billing vendor services under a contract or provider agreement with the commission.

(3) On page 9, strike lines 17-27, and on page 10, strike lines 1-4, and substitute the following:

(f) (1) If the commission receives a complaint of Medicaid fraud or abuse from any source, it must conduct an integrity review to determine whether there is sufficient basis to warrant a full investigation. An integrity review must commence not later than 60 days after the commission receives a complaint or has reason to believe that fraud or abuse has occurred. An integrity review shall be completed not later than 90 days after it has commenced.

(2) If the findings of an integrity review give the commission reason to believe that an incident of fraud or abuse involving possible criminal conduct has occurred in the Medicaid program, the commission must take the following action, as appropriate, not later than 30 days after the completion of the integrity review:

(A) if a provider is suspected of fraud or abuse involving criminal conduct, the commission must refer the case to the state's Medicaid fraud control unit, provided that such criminal referral does not preclude the commission from continuing its investigation of the provider, which investigation may lead to the imposition of appropriate administrative or civil sanctions; or

(B) if there is reason to believe that a recipient has defrauded the Medicaid program, the commission may conduct a full investigation of the suspected fraud.

(g) (1) In addition to other instances authorized under state or federal law, the commission shall impose a hold on payment of claims for reimbursement submitted by a provider without prior notice, as applicable, to compel production

of records or when requested by the state's Medicaid fraud control unit. The commission must notify the provider of the hold on payment not later than the fifth working day after the date the payment hold is imposed.

(2) The commission shall, in consultation with the state's Medicaid fraud control unit, establish guidelines under which holds on payment or program exclusions:

(A) may permissively be imposed on a provider; or

(B) shall automatically be imposed on a provider.

(3) Whenever the commission learns or has reason to suspect that a provider's records are being withheld, concealed, destroyed, fabricated, or in any way falsified, the commission shall immediately refer the case to the state's Medicaid fraud control unit. However, such criminal referral does not preclude the commission from continuing its investigation of the provider, which investigation may lead to the imposition of appropriate administrative or civil sanctions.

(4) Strike SECTION 10 of the bill (page 10, line 27, through page 12, line 12) and substitute the following appropriately numbered section:

SECTION ____. Section 531.103(f), Government Code, is amended to read as follows:

(f) A ~~The~~ district attorney, county attorney, city attorney, or private collection agency may collect and retain costs associated with a a ~~the~~ case referred to the attorney or agency and 20 percent of the amount of the penalty, restitution, or other reimbursement payment collected.

(5) On page 12, between lines 12 and 13, insert the following appropriately numbered section and renumber subsequent sections of the bill appropriately:

SECTION ____. Section 531.104, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The memorandum of understanding must ensure that no barriers to direct fraud referrals to the state's Medicaid fraud control unit by Medicaid agencies or unreasonable impediments to communication between Medicaid agency employees and the state's Medicaid fraud control unit will be imposed.

(6) On page 13, strike lines 25 and 26 and substitute "531.104, Government Code, as necessary to comply with Section 531.104(c), Government Code, as added by this Act."

(7) On page 14, between lines 15 and 16, insert the following appropriately numbered section and renumber subsequent sections of the bill appropriately:

SECTION ____. Section 531.103(e), Government Code, is repealed.

HB 1743 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE COLEMAN: Looking into this a little bit further, if there is some different review when this goes over to the Senate, will you work with us to make sure that there is any other clean up that needs to be done? We had the opportunity to work with you as the author, and Representative Stick as the author of this amendment.

REPRESENTATIVE DELISI: I certainly will, Representative Coleman, with the full knowledge that there are two goals of this legislation. One of them is to make sure that fraud and abuse does not occur, but the other is to make sure that \$153 million are saved at a five year period. You and I both know that that translates into 25,000 kids. So we need to balance those things.

COLEMAN: To be clear, the fraud and abuse part is extremely important and the overpayments portion of this is extremely important. In the discussion in the meeting yesterday, it's just that there are some complexities in doing that with the system that's changing, going to a claims administrator as opposed to using an insurance company at HHSC for those claims. So that's the thing that I may want to look at a little bit more. But in terms of the fraud and abuse, I just want to ask you one question. I don't know if you're aware of this, but about two years ago the University of Texas at San Antonio literally owed the state and federal government back \$17 million.

DELISI: I am aware that was Medicaid, Medicare.

COLEMAN: One of those. It works in a similar way but one of the things that I know that you believe is important, is to make sure that we understand the difference in fraud and overpayments.

DELISI: Yes.

COLEMAN: And, in terms of the system of eliminating fraud, eliminating on the front end and eliminating overpayments on the front end becomes extremely important.

DELISI: Thank you, Mr. Coleman, for asking that question because fraud is an interesting thing to investigate. It is sort of—I know it when I see it. And I would bring to your attention that on February 9, 2001, a dentist was referred to the State Board of Dental Examiners and the board issued an emergency suspension of a license. That was in 2001. I have here photos of five Medicaid patients, children that were strapped to a papoose board and I'll let you come view these pictures. But this dentist appealed to SOA and agreed that the dentist was to treat no children under the age of 13. He still practiced medicine; and then on March 2002 there was a further administrative hearing. At that meeting the board issued a final order, and revocation of the license was finally entered. Mr. Coleman, this is fraud and this needs to be investigated in a more timely manner than a two year period.

COLEMAN: I don't disagree with you at all. As a matter of fact, one of the things that has been found over the last couple of years is the systems between both Medicaid and our boards of examiners didn't necessarily cross as well as with Tacata and the licenser in Medicaid. So, I believe that everybody wants to stop that and that's not the argument. The discussion is about broad authority and whether or not that broad authority is taking someone who did not show a pattern and then having someone move towards them before they had an opportunity to deal with that. Let me just ask you one last question and then I'll stop.

DELISI: And I think that you'll be satisfied with the language you worked on deleting the word irregularity and adding the language, "a pattern of suspected fraud and abuse involving criminal conduct."

COLEMAN: Exactly right. The last question I would ask, one of the things that I would hope you would help me with is, as we move through this in Medicaid, there are issues of what a physician is reimbursed for based on the amount of time that they spend with a patient and we know that Medicaid pays very poorly to physicians, in particular in under served areas, those who are general practitioners. We are trying to keep them in the program. And so, from looking at this, the difference between something that may be called an upcode versus something that may show a pattern, the same way with a hospital, in something that is an intent to defraud that you would continue to work with me on those issues because that is really an issue of Medicaid rates and not poor providers as opposed to an issue of fraud and abuse.

DELISI: And, you know Mr. Coleman, with the proposed language of a reduction in reimbursement, this is certainly an issue that we have to watch but it would be my hope that providers would report accurately to Medicaid and that we could work in this legislative session to be sure that reimbursement covers costs.

COLEMAN: And that is what I'm saying, that we make sure that reimbursement covers costs and that—

DELISI: But without having the physician having to upcode, which is indeed a problem. So I want to work with you to get very clear communication with physicians and with the Medicaid Fraud and Abuse Unit so that everyone understands the difference between fraud and abuse and reporting charges accurately.

COLEMAN: Right. And the reason I bring this up is because of the UTSA issue and because of Columbia HCA's \$300 million defrauding of Medicare; and that when you look at these issues we have to be able to deal with those in a way that we understand who it is we're dealing with on these issues of fraud and abuse.

DELISI: And you know, Mr. Coleman, that this bill is not about the nibbling around the edges, or the enrollee, or the one provider that upcodes. This bill is about going after the big folks in this state that intend to defraud, to suck money out of the Medicaid system so that we're not able to cover the needy people that there are, and that's what needs to be done in this legislation.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Delisi offered the following amendment to **HB 1743**:

Amend **HB 1743** as follows:

(1) On page 3, line 9, between "program" and the semicolon, insert the following:

, provided that this subdivision does not prohibit the referral of a patient to another practitioner within a multispecialty group or university medical services research and development plan (practice plan) for medically necessary services

(2) On page 3, line 22, between "program" and the semicolon, insert the following:

, provided that this subdivision does not prohibit the referral of a patient to another practitioner within a multispecialty group or university medical services research and development plan (practice plan) for medically necessary services

Amendment No. 4 was adopted without objection.

REMARKS ORDERED PRINTED

Representative Coleman moved to print remarks between Representative Coleman and Representative Delisi.

The motion prevailed without objection.

Amendment No. 5

Representative Stick offered the following amendment to **HB 1743**:

Amend **HB 1743** as follows:

(1) On page 7, between lines 9 and 10, insert the following:

(d) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section.

(2) Insert the following appropriately numbered sections and renumber subsequent sections accordingly:

SECTION _____. Section 31.03, Penal Code, is amended by adding Subsection (j) to read as follows:

(j) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.

SECTION _____. Section 32.45, Penal Code, is amended by adding Subsection (d) to read as follows:

(d) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.

SECTION _____. Section 32.46, Penal Code, is amended by adding Subsection (e) to read as follows:

(e) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.

SECTION _____. Section 37.10, Penal Code, is amended by adding Subsection (i) to read as follows:

(i) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.

Amendment No. 5 was adopted without objection.

HB 1743, as amended, was passed to engrossment.

**HR 745 - ADOPTED
(by Talton)**

Representative Talton moved to suspend all necessary rules to take up and consider at this time **HR 745**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 745, Honoring the Salvation Army Boys and Girls Club of Pasadena and welcoming its delegation to the State Capitol on April 10, 2003.

HR 745 was adopted without objection.

On motion of Representative Uresti, the names of all the members of the house were added to **HR 745** as signers thereof.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 3 and 4).

REGULAR ORDER OF BUSINESS SUSPENDED

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

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

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

**HB 103 ON THIRD READING
(by Bonnen, Hopson, Menendez, et al.)**

HB 103, A bill to be entitled An Act relating to an additional cost on conviction for an alcohol-related offense.

HB 103 was passed.

**HB 174 ON THIRD READING
(by Howard, Isett, Berman, Corte, Seaman, et al.)**

HB 174, A bill to be entitled An Act relating to benefits for members of the state military forces called to active state duty.

Representative Howard moved to postpone consideration of **HB 174** until the end of today's third reading calendar.

The motion prevailed without objection.

Representative Howard moved to proceed with bills on the calendar that do not require a record vote.

The motion prevailed without objection.

HB 284 ON THIRD READING
(by Ellis and Kuempel)

HB 284, A bill to be entitled An Act relating to the applicability of the offense of unlawfully carrying a weapon to certain persons carrying a weapon in a recreational vehicle.

HB 284 was passed.

HB 500 ON THIRD READING
(by Goolsby)

HB 500, A bill to be entitled An Act relating to the confidentiality of certain information contained in applications for ad valorem tax exemptions; providing criminal penalties.

HB 500 was passed.

HB 1716 ON THIRD READING
(by Lewis and Hughes)

HB 1716, A bill to be entitled An Act relating to conflicts of interest of certain local public officials engaged in the practice of law.

HB 1716 was passed.

HB 545 ON THIRD READING
(by Wohlgemuth, Flores, Hupp, Uresti, Berman, et al.)

HB 545, A bill to be entitled An Act relating to military discharge records that are recorded with or otherwise in the possession of a governmental body.

HB 545 was passed.

HB 1767 ON THIRD READING
(by Ellis)

HB 1767, A bill to be entitled An Act relating to the approval of certain expenditures by an incumbent county commissioner who was not reelected.

HB 1767 was passed.

HB 1566 ON THIRD READING
(by Telford)

HB 1566, A bill to be entitled An Act relating to lower-division and upper-division courses at Texas A&M University-Texarkana.

HB 1566 was passed.

HB 558 ON THIRD READING
(by Grusendorf)

HB 558, A bill to be entitled An Act relating to rehiring experienced teachers under probationary contracts.

HB 558 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE NAISHTAT: Kent, I just wanted some clarification. This legislation would allow a school district, at the district's option, to hire a teacher returning after a two year lapse under a probationary contract, as opposed to a term or a continuing contract?

REPRESENTATIVE GRUSENDORF: That's correct.

NAISHTAT: Right now, would a district hire that same teacher under a term or a continuing contract?

GRUSENDORF: Not necessarily, they may not hire that teacher at all because they don't have that option under the current law.

NAISHTAT: But if a district wanted to rehire a teacher, it would be under a term or a continuing contract right now?

GRUSENDORF: Like I said, they may not hire that teacher as currently working for them, and they may not choose to hire that teacher.

NAISHTAT: Thank you. And, do you think that teachers have greater employment protection under term and continuing contracts than they have under probationary contracts?

GRUSENDORF: That is correct.

NAISHTAT: Thank you. And the last question is, would this legislation mean a reduction of teacher employment rights in favor of more flexibility and control for employing local school districts?

GRUSENDORF: That's probably debatable the way that's phrased, Mr. Naishtat. This would provide—the part of your question that I totally agree with—it would provide more local control. Whether or not it provides for a reduction in employment rights I'm not sure, because it also provides another option for a school employee to come back and go to work, and the school district may not choose to allow them to do that. So you could imply, you could interpret that as additional employee rights.

NAISHTAT: Thank you.

REPRESENTATIVE HOCHBERG: Thank you, Chairman Grusendorf, and you may have answered this but I was having trouble hearing your answers back here. So, I apologize if this has already been asked and answered. But I want to make absolutely clear that this would not in any way limit a school district's right to hire a teacher who this bill applies to under a term or continuing contract—If they currently have those rights it would just give them the additional right to use the probationary contract.

GRUSENDORF: Yes, it is my understanding that this would allow greater local flexibility.

HOCHBERG: It would allow greater local flexibility, and it would not prevent them from doing anything they currently can do.

GRUSENDORF: It is my understanding it would give them greater flexibility.

HOCHBERG: Okay, thank you Mr. Chairman.

REMARKS ORDERED PRINTED

Representative Hochberg moved to print remarks by Representative Naishtat, Representative Hochberg, and Representative Grusendorf.

The motion prevailed without objection.

A record vote was requested.

HB 558 was passed by (Record 190): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Denny; Laney; Smithee.

Absent — Flores; Jones, D.

STATEMENT OF VOTE

When Record No. 190 was taken, my vote failed to register. I would have voted no.

D. Jones

HB 564 ON THIRD READING (by Haggerty)

HB 564, A bill to be entitled An Act relating to an exemption for certain military personnel and veterans from the requirements of the Texas Academic Skills Program.

A record vote was requested.

HB 564 was passed by (Record 191): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Denny; Laney; Smithee.

Absent — Keffer, B.; Moreno, J.; Paxton.

HB 1564 ON THIRD READING (by Truitt)

HB 1564, A bill to be entitled An Act relating to the use of municipal funds for the acquisition of land or acquisition, construction, expansion, or renovation of facilities for an open-enrollment charter school.

A record vote was requested.

HB 1564 was passed by (Record 192): 142 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.;

Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Denny; Laney; Smithee.

Absent — Rodriguez.

HB 727 ON THIRD READING
(by Delisi, Capelo, et al.)

HB 727, A bill to be entitled An Act relating to disease management programs for certain Medicaid recipients.

A record vote was requested.

HB 727 was passed by (Record 193): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Denny; Laney; Smithee.

Absent — Crownover; Moreno, P.

HB 728 ON THIRD READING
(by Delisi)

HB 728, A bill to be entitled An Act relating to the continuous eligibility of certain children for medical assistance benefits.

A record vote was requested.

HB 728 was passed by (Record 194): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Denny; Laney; Smithee.

Absent — Eissler; McCall; Riddle.

STATEMENTS OF VOTE

When Record No. 194 was taken, I was in the house but away from my desk. I would have voted yes.

Eissler

When Record No. 194 was taken, my vote failed to register. I would have voted yes.

McCall

POSTPONED BUSINESS

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

HB 174 ON THIRD READING

(by Howard, Isett, Berman, Corte, Seaman, et al.)

HB 174, A bill to be entitled An Act relating to benefits for members of the state military forces called to active state duty.

HB 174 was read third time earlier today and was postponed until this time.

A record vote was requested.

HB 174 was passed by (Record 195): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Zedler.

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

Absent, Excused — Denny; Laney; Smithee.

Absent — Farrar; Pitts; Wong.

**GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING**

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

**CSHB 587 ON SECOND READING
(by Marchant)**

CSHB 587, A bill to be entitled An Act relating to the cremation of human remains and the operation of crematories and certain related entities; providing a penalty.

CSHB 587 was passed to engrossment.

**HR 749 - ADOPTED
(by Mabry and Dunnam)**

Representative Mabry moved to suspend all necessary rules to take up and consider at this time **HR 749**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 749, Honoring the McLennan Community College Student Government Association.

HR 749 was adopted without objection.

HB 601 ON SECOND READING**(by Thompson)**

HB 601, A bill to be entitled An Act relating to the administration of a retirement system for officers and employees of certain municipalities.

HB 601 was passed to engrossment. (Wong recorded voting no)

CSHB 906 ON SECOND READING**(by Gallego)**

CSHB 906, A bill to be entitled An Act relating to the human resources staff and functions of state agencies.

CSHB 906 was passed to engrossment.

HB 944 ON SECOND READING**(by King, Mercer, Paxton, Phillips, Hughes, et al.)**

HB 944, A bill to be entitled An Act relating to the admission to public institutions of higher education of students with nontraditional secondary educations.

Amendment No. 1

On behalf of Representative King, Representative Goodman offered the following amendment to **HB 944**:

Amend **HB 944** as follows:

On page 1, SECTION 1, line 13, strike the words "a home school" and insert the following:

private schools in the home.

Amendment No. 1 was adopted without objection.

HB 944, as amended, was passed to engrossment.

HB 1180 ON SECOND READING**(by Chisum)**

HB 1180, A bill to be entitled An Act relating to participation by a defendant in a state boot camp program.

HB 1180 was passed to engrossment.

HB 1316 ON SECOND READING**(by Callegari, et al.)**

HB 1316, A bill to be entitled An Act relating to the service area of the North Harris Montgomery Community College District.

Representative Callegari moved to postpone consideration of **HB 1316** until 11 a.m. Tuesday, April 22.

The motion prevailed without objection.

HB 1331 ON SECOND READING
(by Solomons, Chisum, Gallego, and Dunnam)

HB 1331, A bill to be entitled An Act relating to the continuation of notice and consent procedures regarding the location of certain correctional or rehabilitation facilities.

HB 1331 was passed to engrossment.

CSHB 1372 ON SECOND READING
(by Allen, Hodge, Edwards, Keel, and Riddle)

CSHB 1372, A bill to be entitled An Act relating to the operation of certain Texas Department of Criminal Justice industries and private sector prison industries programs.

Amendment No. 1

Representative Allen offered the following amendment to **CSHB 1372**:

Amend **CSHB 1372** as follows:

- (1) Strike SECTIONS 1 and 5 of the substitute.
- (2) Add the following SECTIONS to the substitute:

SECTION _____. Section 497.058, Government Code, is amended to read as follows:

Sec. 497.058. PIECP [~~PREVAILING~~] WAGE. (a) The authority by rule shall require that participants at each private sector prison industries program be paid not less than the prison industry enhancement certification program (PIECP) [prevailing] wage as computed by the Texas Workforce Commission [authority], except that:

(1) the authority may permit employers to pay a participant the federal minimum wage for the two-month period beginning on the date participation begins; and

(2) the minimum wage for participants under the supervision of the Texas Youth Commission, because of the age of the participants and the extensive training component of their employment, is the federal minimum wage.

(b) For the purposes of computations required by this section:

(1) the PIECP [prevailing] wage is the wage paid by the employer for work of a similar nature in the location in which the work is performed;

(2) in the event that the employer has no employees other than those employed under this subchapter performing work of a similar nature within the location, the prevailing wage for work of a similar nature is determined by reference to openings and wages by occupation data collected by the labor market information department of the Texas Workforce Commission; and

(3) the location in which work is performed is the local workforce development area in which the work is performed.

SECTION _____. Section 497.0581(a), Government Code, is amended to read as follows:

(a) The authority by rule shall determine the amount of deductions to be taken from wages received by the participant under this subchapter. The authority may establish deductions for participants under the supervision of the Texas

Youth Commission that are different than deductions established for other participants in the program. In determining the amount of deductions under this section, the authority shall ensure that the deductions do not place the private sector prison industries programs in the department in noncompliance with the federal prison enhancement certification program established under 18 U.S.C. Section 1761.

SECTION _____. Section 501.013, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The manufacturing and logistics division and the institutional division shall work cooperatively in supervising the production and sale of arts and crafts under this section.

(3) Renumber remaining SECTIONS of the substitute accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Geren offered the following amendment to **CSHB 1372**:

Amend **CSHB 1372** by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _____. Section 497.022, Government Code, is amended to read as follows:

Sec. 497.022. CONTRACTS. The department may contract with:

(1) another state, the federal government, a foreign government, or an agency of any of those governments to manufacture for or sell to those governments prison-made articles or products; ~~[or]~~

(2) a private primary or secondary school or a private or independent institution of higher education to manufacture for or sell to that school or institution prison-made articles or products; or

(3) a private school or a visually handicapped person in this state to manufacture Braille textbooks or other instructional aids for the education of visually handicapped persons.

Representative Allen moved to table Amendment No. 2.

The motion to table prevailed.

CSHB 1372, as amended, was passed to engrossment.

HB 1452 ON SECOND READING (by Hilderbran)

HB 1452, A bill to be entitled An Act relating to prohibiting a governmental entity from disclosing personal information relating to certain persons who hold a private pesticide applicator license.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative D. Jones, Representative Hilderbran offered the following committee amendment to **HB 1452**:

Amend **HB 1452** by striking page 1, lines 13-22 and substituting the following:

(b) Except as provided by Subsection (c), a governmental entity in this state may not disclose:

(1) the name, address, or telephone number of a person who holds a private pesticide applicator license issued under this subchapter and is authorized to use a predator control device if disclosure of the person's name, address, or telephone number would reveal that the person:

(A) is authorized to use a predator control device;

(B) has used a predator control device; or

(C) has the intent to use a predator control device;

(2) the name, address, or telephone number of the owner or operator of land on which a predator control device has been used, is being used, or is intended to be used, if disclosure of the information would reveal that use or intended use; or

(3) information identifying the land on which a predator control device has been used, is being used, or is intended to be used, if disclosure of the information would reveal the name, address, or telephone number of the owner or operator of the land.

Amendment No. 1 was adopted without objection.

HB 1452, as amended, was passed to engrossment.

SB 868 ON SECOND READING
(Woolley - House Sponsor)

SB 868, A bill to be entitled An Act relating to the purpose, powers and duties of Harris County Improvement District No. 1.

SB 868 was considered in lieu of **HB 1685**.

SB 868 was passed to third reading.

HB 1685 - LAID ON THE TABLE SUBJECT TO CALL

Representative Woolley moved to lay **HB 1685** on the table subject to call.

The motion prevailed without objection.

CSHB 2008 ON SECOND READING
(by Hardcastle)

CSHB 2008, A bill to be entitled An Act relating to certain powers and duties of the Department of Agriculture and other entities engaged in agricultural activities.

CSHB 2008 was passed to engrossment.

CSHB 2096 ON SECOND READING
(by Pickett)

CSHB 2096, A bill to be entitled An Act relating to creation of an offense for transporting a person in certain trailers and semitrailers.

CSHB 2096 was passed to engrossment.

HB 2146 ON SECOND READING
(by Gattis)

HB 2146, A bill to be entitled An Act relating to the prosecution of the offense of criminal mischief.

HB 2146 was passed to engrossment.

HB 1713 ON SECOND READING
(by Hodge)

HB 1713, A bill to be entitled An Act relating to an application for a writ of habeas corpus to seek relief related to community supervision.

HB 1713 was passed to engrossment.

HB 256 ON SECOND READING
(by Hochberg, et al.)

HB 256, A bill to be entitled An Act relating to excused absences for religious holy days for students in institutions of higher education.

HB 256 was passed to engrossment.

HB 216 ON SECOND READING
(by Hamric, Wohlgemuth, Menendez, et al.)

HB 216, A bill to be entitled An Act relating to the qualification of a disabled person for an exemption from ad valorem taxation on the person's residence homestead.

HB 216 was passed to engrossment.

HB 1000 ON SECOND READING
(by Madden)

HB 1000, A bill to be entitled An Act relating to the taking of witness depositions in a criminal case.

HB 1000 was passed to engrossment.

CSHB 1307 ON SECOND READING
(by Marchant)

CSHB 1307, A bill to be entitled An Act relating to the administration, operation, and regulation of credit unions.

Amendment No. 1

Representative Marchant offered the following amendment to **CSHB 1307**:

Amend **CSHB 1307** as follows:

(1) On page 8, strike lines 15 through 17 and substitute the following:
SECTION 10. Sections 122.006(a)-(c), Finance Code, are amended to read as follows:

(2) On page 10, strike lines 2 through 10.

(3) On page 10, line 21, strike "Subsection (e)" and substitute "Subsections (e) and (f)".

(4) On page 11, between lines 15 and 16, insert the following:

(f) A foreign credit union may not use this section to alter or negate the application to the credit union of any law of this state regarding:

(1) permissible interest rates;

(2) loan fees; or

(3) licensing or regulatory requirements that relate to insurance, securities, marketing or sales activities, or real estate development and that are administered by an agency of this state.

Amendment No. 1 was adopted without objection.

CSHB 1307, as amended, was passed to engrossment.

HB 1321 ON SECOND READING

(by Naishtat and Peña)

HB 1321, A bill to be entitled An Act relating to the application of certain marketing and contracting restrictions to treatment facilities funded by the Texas Commission on Alcohol and Drug Abuse.

HB 1321 was passed to engrossment.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, upon final adjournment today, Desk 17, for a formal meeting, to consider **HCR 154** and pending business.

FIVE DAY POSTING RULE SUSPENDED

Representative Ritter moved to suspend the five day posting rule to allow the Committee on Pensions and Investments to meet for a briefing from the Committee on Appropriations.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Pensions and Investments, upon final adjournment today, E2.022, for a public hearing, to consider an appropriations briefing.

Agriculture and Livestock, 30 minutes after final adjournment today, regular committee room.

(Speaker in the chair)

FIVE DAY POSTING RULE SUSPENDED

Representative Swinford moved to suspend the five day posting rule to allow the Committee on Government Reform to consider **HB 3261**, **HB 3178**, and **HJR 76**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Government Reform, 30 minutes after final adjournment today, E1.026.

Defense Affairs and State-Federal Relations, will reconvene at 1:15 p.m. today.

Urban Affairs, will reconvene 30 minutes after final adjournment today.

Juvenile Justice and Family Issues, 1:30 p.m. today, regular meeting room.

Corrections, upon final adjournment today, Desk 1, for a formal meeting, to consider pending bills.

Energy Resources, upon final adjournment today, E2.014, for a public hearing, to consider posted bills.

Appropriations, will reconvene upon final adjournment, E1.030, to consider **HB 2292**.

Criminal Jurisprudence, upon final adjournment today, Desk 59, for a formal meeting, to consider **HB 1426**, **HB 2525**, and pending business.

Law Enforcement, upon final adjournment today, Desk 56, for a formal meeting.

Calendars, upon final adjournment today, speakers committee room, for a formal meeting.

PROVIDING FOR ADJOURNMENT

Representative Chisum moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, April 14.

The motion prevailed without objection.

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

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

ADJOURNMENT

In accordance with a previous motion, the house, at 1:02 p.m., adjourned until 10 a.m. Monday, April 14.

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

HB 3571 (By Howard), Relating to the assumption of road utility district authority by the Fort Bend County Levee Improvement District No. 15, including the authority to impose taxes and issue bonds.

To Transportation.

HCR 193 (By Uresti), Recognizing April 21, 2003, as Long-Term Care Ombudsman Day in Texas.

To Human Services.

HCR 194 (By Miller), Memorializing Congress to limit the appellate jurisdiction of the federal courts regarding the recitation of the Pledge of Allegiance in public schools.

To State Affairs.

HR 726 (By McClendon), Recognizing June 2003 as Menopause Awareness Month in Texas.

To Public Health.

SB 16 to Public Education.

SB 273 to Judicial Affairs.

SB 408 to Criminal Jurisprudence.

SB 490 to State Health Care Expenditures, Select.

SB 568 to Law Enforcement.

SB 656 to Urban Affairs.

SB 804 to Law Enforcement.

SCR 39 to Rules and Resolutions.

MESSAGES FROM THE SENATE

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

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, April 10, 2003 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 72 Thompson SPONSOR: Harris
Honoring Howard G. Baldwin, Jr., of Austin on his retirement as first assistant attorney general of Texas.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Thursday, April 10, 2003 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 110 Lewis
Congratulating Torivia N. Hernandez on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 111 Lewis
Congratulating Rochelle M. Grisafi on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 112 Lewis
Congratulating Crystal Clancy on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 113 Lewis
Congratulating Sandra G. Farmer on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 114 Lewis
Congratulating Shawne Briggs on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 115 Lewis
Congratulating Kristy Muckleroy on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 116 Lewis
Congratulating Karla Bevel on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 117 Lewis
Congratulating Shaneeka Shannon on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 118 Lewis
Congratulating Keith Hailburton on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 119 Lewis
Congratulating Tonya Allen on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 120 Lewis
Congratulating Paulino Rosales III on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 121 Lewis
Congratulating Sedonia L. Johnson on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

HCR 122 Lewis
Congratulating Andrea Curley Harper on being named a 2002-2003 Outstanding Teacher by the Fort Worth Independent School District.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 9

Appropriations - **HB 7, HB 3175**

Business and Industry - **HB 2140**

Civil Practices - **HB 408, SB 513**

Environmental Regulation - **HB 1567**

Insurance - **HB 1163, HB 1865**

Judicial Affairs - **SB 430**

Law Enforcement - **HB 1141**

Licensing and Administrative Procedures - **HB 295, HB 1076, HB 1329, HB 2689**

Local Government Ways and Means - **HB 983, HB 1025, HB 1125, HB 1910, HB 2073, HB 2162, HB 2322, HJR 51, HJR 55**

Pensions and Investments - **HB 2445, HB 2916, HJR 54**

Public Education - **HB 451, HB 2465**

Transportation - **HB 2859, SB 209**

Urban Affairs - **SB 868**

ENGROSSED

April 9 - HB 54, HB 207, HB 575, HB 651, HB 673, HB 849, HB 1088, HB 1131, HB 1169, HB 1510, HB 1592, HB 1883, HCR 56, HCR 57, HCR 82, HJR 23, HJR 61

ENROLLED

April 9 - HCR 40, HCR 195

SENT TO THE GOVERNOR

April 9 - HCR 54, HCR 55