

SIXTY-FOURTH DAY

WEDNESDAY, MAY 5, 1999

PROCEEDINGS

The Senate met at 10:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Luna, Ratliff.

The President announced that a quorum of the Senate was present.

The Reverend Raul R. Martinez, Jr., Spanish Assembly of God, Smithville, offered the invocation as follows:

Almighty God, creator of heaven and Earth, thank You for this day that the Senate of this our State of Texas can meet together. Thank You, Father, for the freedom provided that allows us the privilege to convene in this place.

I pray that You grant wisdom to each one to carry out the business to be done for the good of this entire state. Give the men and women assembled here today the inner strength they need to make the decisions that will best govern us all. I ask this in the Lord's name. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Barrientos, Senator Luna was granted leave of absence for today on account of illness.

On motion of Senator Truan, Senator Ratliff was granted leave of absence for today on account of important business.

CO-AUTHORS OF SENATE BILL 1100

On motion of Senator Cain and by unanimous consent, Senators Moncrief and West will be shown as Co-authors of **SB 1100**.

CO-AUTHOR OF SENATE BILL 1902

On motion of Senator Lucio and by unanimous consent, Senator Harris will be shown as Co-author of **SB 1902**.

PERMISSION TO INTRODUCE BILLS

On motion of Senator Truan and by unanimous consent, Senate Rule 7.07(b) and Section 5, Article III of the Texas Constitution were suspended to permit the introduction of the following bills: **SB 1905**, **SB 1906**.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time, and referred to the committees indicated:

SB 1905 by Gallegos

Relating to the acquisition of certain property by navigation districts.

To Committee on Natural Resources.

SB 1906 by Sibley

Relating to the creation of a privilege for dental records and communications with a dentist and to the availability of dental records.

To Committee on Health Services.

SCR 75 by Lucio

Memorializing congress to take certain actions regarding qualification of reimbursement under Medicaid.

To Committee on Border Affairs - Special.

SR 851 by Madla

Expressing support for the Air Force Outreach Program Office.

To Committee on Veteran Affairs and Military Installations.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House were read first time and referred to the committees indicated:

HB 485 to Committee on Intergovernmental Relations.

HB 2004 to Committee on State Affairs.

HCR 117 to Committee on Education.

HCR 244 to Committee on Administration.

HJR 58 to Committee on Finance.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas

May 3, 1999

TO THE SENATE OF THE SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION:

On April 23, 1999, I submitted the name of Ann Forehand Sibley of Garland for reappointment to the Texas State Board of Medical Examiners for a term to expire April 13, 2005.

At Mrs. Sibley's request, I hereby withdraw her nomination for this board and request that the Senate return this appointment to me.

Respectfully submitted,

/s/George W. Bush
Governor

NOMINATION RETURNED

On motion of Senator Wentworth and by unanimous consent, the Senate agreed to grant the request of the Governor to return the following nomination:

Member, Texas State Board of Medical Examiners: Ann Forehand Sibley, Dallas County.

CAPITOL PHYSICIANS

The President recognized Senator Shapiro, who presented Drs. T. Dale Ragle and Ann Gardea of Dallas as the "Doctors for the Day."

Dr. Ragle and Dr. Gardea, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, were made welcome by the Senate.

(Senator Brown in Chair)

SENATE RESOLUTION 713

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas proudly recognizes the Duncanville High School boys basketball team for winning the 1998-1999 University Interscholastic League Class 5A championship on March 13, 1999; and

WHEREAS, Winning the final round by beating Kimball 78-61 made the Duncanville Panthers the first 5A school ever to win both basketball and football championship titles in the same season; and

WHEREAS, Coming off a 35-3 season, these state champions never lost sight of their dream to win the state title and playing in the final round against the Kimball Knights, who had won the last four meetings, made the victory twice as significant; and

WHEREAS, In a concerted team effort, these dedicated young men believed in themselves and brought to the court a fierce fighting spirit and indomitable drive; and

WHEREAS, For their dedication to the game and the honor they have brought to their school and their community, these fine young men and their coaches merit recognition: Tre' Johnson, Doug Jones, Roosevelt Brown, Victor Sobers, Ken Hendrix, Terrance Johnson, Kevin Lake, Greg Ware, Hassan Conteh, Brandon Cregler, Brian Boddicker, Ryan Randle, David Sykes, head coach Phil McNeely, and assistant coach Dean McGuire; and

WHEREAS, Also deserving of recognition are Athletic Director Bob Alpert, trainers Dave Burton and Julie Torre, student trainer Channon Jackson, and student managers Ricky Jespersion, Lee Gray, Zarqala Murrell, Akilah Davis, Crystal Ware, and Shandra Lane; and

WHEREAS, The Duncanville Panthers exhibited perseverance, team unity, and respect for the highest ideals of American sportsmanship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend the members of the Duncanville boys basketball team on their great victory and extend congratulations to the coaches and each of the team players; and, be it further

RESOLVED, That a copy of this Resolution be prepared for them as a token of esteem of the Texas Senate.

The resolution was again read.

The resolution was previously adopted on Thursday, April 22, 1999.

GUESTS PRESENTED

Senator Nelson, joined by Senator West, was recognized and introduced to the Senate the Duncanville High School Panthers basketball team, 1998-1999 University Interscholastic League Class 5A champions, accompanied by their coaches.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Lindsay was recognized and introduced to the Senate his wife, Judge Tony Lindsay.

The Senate welcomed Judge Lindsay.

Senator Lindsay was again recognized and introduced to the Senate a group of seventh- and eighth-grade students from Rose Hill Christian School in Tomball, accompanied by their teachers.

The Senate welcomed its guests.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Brown in Chair, at 10:38 a.m. announced the conclusion of morning call.

SENATE BILL 538 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 538, Relating to a prohibition of discrimination in the determination of eligibility for employment, occupational licenses, and insurance coverage based on certain genetic information and to limitations on the use of that information.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 538** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 21.401(2), Labor Code, is amended to read as follows:

(2) "Genetic information" means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member [derived from the results of a genetic test].

SECTION 2. Section 21.403(c), Labor Code, is amended to read as follows:

(c) Subject to Subchapter G, Chapter 411, Government Code, genetic information relating to an individual may be disclosed without the authorization required under Subsection (b) if the disclosure is:

- (1) authorized under a state or federal criminal law relating to:
 - (A) the identification of individuals; or
 - (B) a criminal or juvenile proceeding, an inquest, or a child fatality review by a multidisciplinary child-abuse team;
- (2) required under a specific order of a state or federal court;
- (3) authorized under a state or federal law to establish paternity;
- (4) made to furnish genetic information relating to a decedent to the blood relatives of the decedent for the purpose of medical diagnosis; ~~or~~
- (5) made to identify a decedent; ~~or~~
- (6) made to a physician who refers the individual for a genetic test.

SECTION 3. Section 21.404, Labor Code, is amended to read as follows:

Sec. 21.404. RIGHT TO KNOW TEST RESULTS. An individual who submits to a genetic test has the right to know or to refuse to know the results of that test. If the individual elects to know the results ~~[On the written request of the individual]~~, the physician who requested ~~[entity that performed]~~ the test shall disclose the test results to the individual or to another ~~[a]~~ physician designated by the individual. If the individual elects not to know the results, the physician who requested the performance of the test may not disclose the test results to the individual.

SECTION 4. Section 21.405, Labor Code, is amended to read as follows:

Sec. 21.405. RETENTION OF SAMPLE. A sample of genetic material taken for a genetic test from an individual shall be destroyed promptly after the purpose for which the sample was obtained is accomplished unless:

- (1) the sample is retained under a court order;
- (2) the individual tested authorizes retention of the sample for purposes of medical treatment, DNA banking, or scientific research;
- (3) for a sample obtained for research that is cleared by an institutional review board, the sample is retained under the requirements that the institutional review board imposes on a specific research project or as authorized by the research participant with institutional review board approval under federal law; ~~or~~
- (4) the sample was obtained for a screening test established by the Texas Department of Health and performed by that department or by a laboratory approved by that department under Section 33.011, Health and Safety Code; ~~or~~
- (5) retention of the sample is required by an organization that:
 - (A) certifies laboratories that perform genetic tests; and
 - (B) is recognized by the Texas Department of Health.

SECTION 5. Section 1(2), Article 21.73, Insurance Code, is amended to read as follows:

(2) "Genetic information" means information about genes, gene products, or inherited characteristics that may derive from an individual or family member derived from the results of a genetic test.

SECTION 6. Section 4(c), Article 21.73, Insurance Code, is amended to read as follows:

(c) Subject to Subchapter G, Chapter 411, Government Code, genetic information relating to an individual may be disclosed without the authorization required under Subsection (b) of this section if the disclosure is:

- (1) authorized under a state or federal criminal law relating to:
 - (A) the identification of individuals; or
 - (B) a criminal or juvenile proceeding, an inquest, or a child fatality review by a multidisciplinary child-abuse team;
- (2) required under a specific order of a state or federal court;
- (3) authorized under a state or federal law to establish paternity;
- (4) made to furnish genetic information relating to a decedent to the blood relatives of the decedent for the purpose of medical diagnosis; ~~or~~
- (5) made to identify a decedent; ~~or~~
- (6) made to the physician who refers the individual for the genetic test.

SECTION 7. Section 5, Article 21.73, Insurance Code, is amended to read as follows:

Sec. 5. RIGHT TO KNOW TEST RESULTS. An individual who submits to a genetic test has the right to know or to refuse to know the results of that test. If the individual elects to know the results ~~[On the written request of the individual]~~, the physician who requested ~~[group health benefit plan issuer or other entity that performed]~~ the test shall disclose the test results to the individual or to another ~~[a]~~ physician designated by the individual. If the individual elects not to know the results, the physician who requested the performance of the test may not disclose the results to the individual. The right to information under this section is in addition to any right or requirement established under Section 3 of this article.

SECTION 8. Section 6, Article 21.73, Insurance Code, is amended to read as follows:

Sec. 6. RETENTION OF SAMPLE. A sample of genetic material taken for a genetic test from an individual shall be destroyed promptly after the purpose for which the sample was obtained is accomplished unless:

- (1) the sample is retained under a court order;
- (2) the individual tested authorizes retention of the sample for purposes of medical treatment, DNA banking, or scientific research;
- (3) for a sample obtained for research that is cleared by an institutional review board, the sample is retained under the requirements that the institutional review board imposes on a specific research project or as authorized by the research participant with institutional review board approval under federal law; ~~or~~
- (4) the sample was obtained for a screening test established by the Texas Department of Health and performed by that department or by a laboratory approved by that department under Section 33.011, Health and Safety Code; ~~or~~
- (5) retention of the sample is required by an organization that:
 - (A) certifies laboratories that perform genetic tests; and
 - (B) is recognized by the Texas Department of Health.

SECTION 9. Article 9031, Revised Statutes, as added by Section 2, Chapter 1215, Acts of the 75th Legislature, Regular Session, 1997, is renumbered as Article 9032, Revised Statutes, and amended to read as follows:

Art. 9032 [9031]. PROHIBITED USE OF GENETIC INFORMATION

Sec. 1. DEFINITIONS. In this article:

- (1) "DNA" means deoxyribonucleic acid.
- (2) "Genetic information" means information about genes, gene products, or inherited characteristics that may derive from an individual or a family member ~~[derived from the results of a genetic test]~~.

(3) "Genetic test" means a laboratory test of an individual's DNA, RNA, proteins, or chromosomes to identify by analysis of the DNA, RNA, proteins, or chromosomes the genetic mutations or alterations in the DNA, RNA, proteins, or chromosomes that are associated with a predisposition for a clinically recognized disease or disorder. The term does not include:

(A) a routine physical examination or a routine test performed as a part of a physical examination;

(B) a chemical, blood, or urine analysis;

(C) a test to determine drug use; or

(D) a test for the presence of the human immunodeficiency virus.

(4) "Licensing authority" means a state agency or political subdivision that issues an occupational license.

(5) "Occupational license" means a license, certificate, registration, permit, or other form of authorization required by law or rule that must be obtained by an individual to engage in a particular business or occupation.

(6) "Political subdivision" means a municipality, county, or special district or authority. The term includes a school district.

(7) "RNA" means ribonucleic acid.

(8) "State agency" means a department, board, bureau, commission, committee, division, office, council, or agency in the executive or judicial branch of state government.

Sec. 2. GENETIC TESTING REQUIREMENT PROHIBITED. A licensing authority may not deny an application for an occupational license, suspend, revoke, or refuse to renew an occupational license, or take any other disciplinary action against a license holder based on the refusal of the license applicant or license holder to:

(1) submit to a genetic test; or

(2) reveal:

(A) whether the applicant or holder has submitted to a genetic test; or

(B) the results of any genetic test to which the applicant or holder has

submitted.

Sec. 3. INFORMATION CONFIDENTIAL; EXCEPTIONS. (a) Except as provided by Subsections (c) and (d) of this section, genetic information is confidential and privileged regardless of the source of the information. A person or entity that holds that information may not disclose or be compelled to disclose, by subpoena or otherwise, genetic information about an individual unless the disclosure is specifically authorized by the individual as provided by Subsection (b) of this section. This subsection applies to a redisclosure of genetic information by a secondary recipient of the information after disclosure of the information by an initial recipient.

(b) An individual or the legal representative of an individual may authorize the disclosure of genetic information relating to that individual through a written authorization that includes:

(1) a description of the information to be disclosed;

(2) the name of the person or entity to whom the disclosure is made; and

(3) the purpose for the disclosure.

(c) Subject to Subchapter G, Chapter 411, Government Code, genetic information relating to an individual may be disclosed without the authorization required under Subsection (b) of this section if the disclosure is:

- (1) authorized under a state or federal criminal law relating to:
 - (A) the identification of individuals; or
 - (B) a criminal or juvenile proceeding, an inquest, or a child fatality review by a multidisciplinary child-abuse team;
- (2) required under a specific order of a state or federal court;
- (3) authorized under a state or federal law to establish paternity;
- (4) made to furnish genetic information relating to a decedent to the blood relatives of the decedent for the purpose of medical diagnosis; [or]
- (5) made to identify a decedent; or
- (6) made to the physician who refers the individual for the genetic test.

(d) In addition to the exceptions under Subsection (c), genetic information relating to an individual may be disclosed without the authorization required under Subsection (b) if:

- (1) the disclosure is for information from a research study in which the procedure for obtaining informed written consent and use of the information is governed by national standards for protecting participants involved in research projects, including guidelines issued under 21 C.F.R. Part 50 and 45 C.F.R. Part 46;
- (2) the information does not identify a particular individual; and
- (3) the information is provided to the Texas Department of Health to comply with Chapter 87, Health and Safety Code.

Sec. 4. RIGHT TO KNOW TEST RESULTS. An individual who submits to a genetic test has the right to know or to refuse to know the results of that test. If the individual elects to know the results [On the written request of the individual], the physician who requested [entity that performed] the test shall disclose the test results to the individual or to another [a] physician designated by the individual. If the individual elects not to know the test results, the physician who requested the performance of the genetic test may not disclose the results to the individual.

Sec. 5. RETENTION OF SAMPLE. A sample of genetic material taken for a genetic test from an individual shall be destroyed promptly after the purpose for which the sample was obtained is accomplished unless:

- (1) the sample is retained under a court order;
- (2) the individual tested authorizes retention of the sample for purposes of medical treatment, DNA banking, or scientific research;
- (3) for a sample obtained for research that is cleared by an institutional review board, the sample is retained under the requirements that the institutional review board imposes on a specific research project or as authorized by the research participant with institutional review board approval under federal law; [or]

(4) the sample was obtained for a screening test established by the Texas Department of Health and performed by that department or by a laboratory approved by that department under Section 33.011, Health and Safety Code; or

- (5) retention of the sample is required by an organization that:
 - (A) certifies laboratories that perform genetic tests; and
 - (B) is recognized by the Texas Department of Health.

SECTION 10. This Act takes effect September 1, 1999.

SECTION 11. Article 21.73, Insurance Code, as amended by this Act, applies only to an insurance policy or evidence of coverage that is delivered, issued for delivery, or renewed on or after January 1, 2000. A policy or evidence of coverage that is delivered, issued for delivery, or renewed before January 1, 2000, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 538 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 538** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Luna, Ratliff.

SB 538 was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 292 ON SECOND READING

On motion of Senator Nixon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 292, Relating to a self-directed investment option for participants in the Teacher Retirement System of Texas.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Bernsen, Gallegos, and Truan asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 292 ON THIRD READING

Senator Nixon moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 292** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 5.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Shapiro, Shapleigh, Sibley, West, Whitmire, Zaffirini.

Nays: Barrientos, Bernsen, Gallegos, Truan, Wentworth.

Absent-excused: Luna, Ratliff.

CSSB 292 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Bernsen, Gallegos, and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

May 5, 1999

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 245, Relating to the procedures for determining whether a defendant sentenced to death is incompetent for purposes of execution.

HB 323, Relating to the jurisdiction of municipal courts.

HB 494, Relating to drug benefits available under certain health care programs administered by the Texas Department of Health.

HB 524, Relating to the application of the professional prosecutors law to the district attorney of the 1st Judicial District.

HB 550, Relating to the eligibility of certain persons to enter into a lottery contract or to purchase a lottery ticket or receive a lottery prize.

HB 635, Relating to the offense of taking or attempting to take a weapon from a peace officer, parole officer, or community supervision and corrections department officer.

HB 707, Relating to dismissal of an inspection certificate violation.

HB 770, Relating to a municipality's request of assistance from a constable.

HB 772, Relating to fees charged by an independent school district for voluntary educational programs.

HB 779, Relating to discharging certain criminal fines and costs by performing community service.

HB 780, Relating to designation of a municipal court judge as a member of a county bail bond board.

HB 811, Relating to the services included in home health care services.

HB 865, Relating to the change of a driver's license or personal identification certificate number of a victim of domestic violence.

HB 998, Relating to the prosecution of the offense of burglary.

HB 1068, Relating to the wording of certain political advertising and campaign communications.

HB 1097, Relating to application requirements for participation in the Texas Health Insurance Risk Pool.

HB 1100, Relating to contracts for enforcement of certain arrest warrants.

HB 1103, Relating to when a vehicle becomes a junked vehicle.

HB 1167, Relating to an employee of a personal bond office administering oaths to or taking an acknowledgment or proof of a written instrument from personal bond applicants.

HB 1187, Relating to filing a petition that initiates a condemnation proceeding.

HB 1227, Relating to special license plates to support reading programs of public libraries.

HB 1260, Relating to financial assistance to provide for water development in disadvantaged communities.

HB 1328, Relating to the regulation of the practice of professional land surveying.

HB 1409, Relating to eligibility to conduct a mental and physical examination of a school bus operator.

HB 1418, Relating to optional career and technology education programs offered by public school districts and a study of career and technology education programs.

HB 1436, Relating to designating Farm-to-Market Road 1931 in Alice as Flournoy Road.

HB 1471, Relating to requiring a small business impact statement for bills and resolutions.

HB 1571, Relating to the name of a decedent on a grave marker.

HB 1573, Relating to the provision of water and sewer service in the unincorporated area of a populous county; authorizing the issuance of county bonds.

HB 1616, Relating to the issuance of volunteer firefighter license plates.

HB 1663, Relating to the creation, modification, or closing of a guardianship of an incapacitated person.

HB 1702, Relating to loss of benefits by a retiree of the Teacher Retirement System of Texas who resumes teaching.

HB 1757, Relating to procurement by local governments and state agencies of certain automated systems through certain nonprofit organizations.

HB 1851, Relating to guardianships and management trusts for incapacitated persons.

HB 1874, Relating to the operation and administration of The University of Texas—Pan American.

HB 1884, Relating to the collection and enforcement of child support.

HB 1896, Relating to the compensation of criminal law magistrates in Travis County.

HB 1912, Relating to unfunded state mandates on political subdivisions.

HB 1916, Relating to funding certain job training expenditures through taxes collected by certain industrial development corporations.

HB 1921, Relating to the appointment of a bailiff for certain counties in the 84th Judicial District.

HB 1932, Relating to the student union and student union fee at The University of Texas at Austin.

HB 1947, Relating to allowing a landowner to take a depredating fur-bearing animal without a hunting or trapping license.

HB 1956, Relating to the amendment or termination of restrictive covenants affecting real property in certain historic neighborhoods.

HB 1999, Relating to employee benefits available to employees of community supervision and corrections departments.

HB 2031, Relating to the process of notifying drivers of license suspension by mail.

HB 2037, Relating to late fees for the renewal of the licenses of home and community support services agencies.

HB 2049, Relating to the right of a person entitled to coverage under certain health and accident insurance policies to select certain health care practitioners.

HB 2105, Relating to judicial review of the validity or applicability of state agency rules and decisions in contested cases.

HB 2146, Relating to the application of the sales tax to certain items sold through coin-operated vending machines.

HB 2149, Relating to the award of state highway improvement contracts.

HB 2175, Relating to the regulation of the practice of chiropractic.

HB 2187, Relating to required counseling for a person placed on community supervision following conviction of an offense involving family violence.

HB 2207, Relating to parking of a commercial motor vehicle in a residential subdivision.

HB 2224, Relating to requiring disclosure notices for the sale of real property governed by a property owners' association and requiring the filing of dedicatory instruments governing property owners' associations.

HB 2246, Relating to the responsibilities of the district attorney for the 8th Judicial District and the county attorney of Rains County.

HB 2255, Relating to the regulation of the sale of certain items used in funerals.

HB 2260, Relating to contracts for the replacement or repair of public school equipment or public school facilities.

HB 2275, Relating to the board of directors, boundaries, and financing of the Southwest Travis County Water District.

HB 2382, Relating to the evaluation and approval of continuing education for physical therapists.

HB 2401, Relating to the establishment of voluntary workforce training programs for certain students.

HB 2409, Relating to the issuance of a certificate of title for and the transfer of a motor vehicle that is not registered in this state.

HB 2424, Relating to application of certain coverage requirements for serious mental illness.

HB 2441, Relating to the requirement that parents participate in a parenting course and counseling in certain suits involving children.

HB 2476, Relating to special Children's Trust Fund of Texas Council license plates.

HB 2526, Relating to the penalties for poaching.

HB 2536, Relating to the salary of the county judge of Dallas County.

HB 2553, Relating to performance reviews of school districts by the comptroller.

HB 2563, Relating to creation of a pilot program to establish individual development accounts for certain low-income individuals.

HB 2581, Relating to the appeal of certain orders, judgments, and decrees.

HB 2611, Relating to electronic reporting of certain political contributions and political expenditures.

HB 2619, Relating to the collection and management of used oil filters; providing civil and administrative penalties.

HB 2636, Relating to the assessment of certain fees on persons who perform radiologic procedures.

HB 2660, Relating to state drought planning and preparation.

HB 2667, Relating to the regulation of industrial hygienists; providing a civil penalty.

HB 2685, Relating to the execution of credit agreements and issuance of anticipation notes by certain school districts.

HB 2717, Relating to contracts involving the construction or repair of improvements to private or public real property.

HB 2725, Relating to the collection of costs in criminal cases.

HB 2735, Relating to the authority of the General Services Commission to grant certain interests in certain real property owned by the state.

HB 2758, Relating to the application of the professional prosecutors law to the district attorney for the 33rd Judicial District.

HB 2760, Relating to special license plates for certain persons retired from service in the merchant marine of the United States.

HB 2764, Relating to the authority of a county to regulate automotive wrecking and salvage yards.

HB 2785, Relating to the effective date of a change in a boundary of certain political subdivisions for purposes of an election.

HB 2842, Relating to continued payment of salary by an employer as replacement for certain workers' compensation income benefits.

HB 2862, Relating to the appointment of election judges for county elections.

HB 2877, Relating to the lease of certain facilities and the retirement options and health coverage of certain employees in connection with implementation of integrated enrollment services for health and human services programs.

HB 2898, Relating to the execution of credit agreements and issuance of obligations by certain political subdivisions.

HB 2914, Relating to notice of the drug testing policy followed by a convalescent or nursing home or a home and community support services agency.

HB 2922, Relating to the offense of obstructing a railroad crossing with a train.

HB 2947, Relating to the disposition of children adjudicated as having engaged in delinquent conduct.

HB 2956, Relating to the authority of certain fresh water supply districts to conduct contract elections.

HB 2960, Relating to the evaluation of proposals for contracts by institutions of higher education for energy conservation measures.

HB 2992, Relating to the creation of a business technology outreach program at the University of Houston.

HB 3014, Relating to the Texas Department of Transportation's automated registration and title system.

HB 3029, Relating to certain industrial development corporations, projects of industrial development corporations, and the taxes levied for projects.

HB 3041, Relating to prompt payment of insurance claims.

HB 3061, Relating to the issuance of permits for the operation of certain vehicles that exceed maximum size or weight limitations.

HB 3138, Relating to the authority of a governing board of a public institution of higher education to reduce tuition or prorated fees charged to a student at that institution.

HB 3158, Relating to terms of trustees of certain special-purpose school districts.

HB 3159, Relating to the application of the diesel fuel tax to diesel fuel used in certain passenger commercial motor vehicles.

HB 3209, Relating to the purposes for which money received by crime stoppers organizations may be used.

HB 3224, Relating to the issuance of public securities by or on behalf of the state and political subdivisions.

HB 3249, Relating to permitting local prosecutors to accept federal funds for the purpose of defraying a portion of the cost of prosecution.

HB 3265, Relating to the duties of a justice of the peace with respect to inquests on dead bodies.

HB 3276, Relating to the application of the Texas Non-Profit Corporation Act to charitable trustees.

HB 3285, Relating to covenants not to compete by physicians.

HB 3418, Relating to the administration of teleconferencing technology within the judiciary.

HB 3421, Relating to the appraisal of certain motor vehicles for ad valorem tax purposes.

HB 3445, Relating to authorizing certain counties to provide emergency communication service in the unincorporated area of the county.

HB 3456, Relating to the power of a bondsman to execute bail bonds.

HB 3460, Relating to taxes on certain services in park and recreation districts.

HB 3492, Relating to requiring the Texas Department of Public Safety to establish minimum standards for vendors of ignition interlock devices.

HB 3539, Relating to criminal history searches required to be performed by state agencies.

HB 3547, Relating to elevators, escalators, and related equipment.

HB 3598, Relating to requiring notice regarding the location of establishments serving alcoholic beverages, sexually oriented businesses, and correctional or rehabilitation facilities.

HB 3620, Relating to the exchange and conveyance of lands by certain navigation districts.

HB 3624, Relating to the persons for whom local governments may pay tort claims.

HB 3635, Relating to the Probate Court No. 1 of Travis County.

HB 3682, Relating to authorizing a state agency to waive a matching funds requirement for an economically disadvantaged county.

HB 3685, Relating to the appeal of a driver license suspension, cancellation or revocation.

HB 3694, Relating to abandoned burial plots.

HB 3740, Relating to the location of administrative hearings conducted by the State Office of Administrative Hearings on behalf of the Department of Protective and Regulatory Services.

HB 3741, Relating to regulation by the Department of Protective and Regulatory Services of certain child-care facilities, family homes, and child-placing agencies.

HB 3757, Relating to approved drug and alcohol driving awareness programs.

HB 3776, Relating to the use of certain funds by the Nueces County Hospital District.

HB 3798, Relating to the creation of the Texana Groundwater Conservation District.

HB 3812, Relating to the creation, administration, powers, duties, operation, and financing of the Victoria County Groundwater Conservation District.

HB 3814, Relating to the creation of the Salt Fork Water Quality District; authorizing the issuance of bonds.

HB 3817, Relating to the boundaries, confirmation election, administration, powers, duties, operation, and financing of the Guadalupe County Groundwater Conservation District.

HB 3818, Relating to the terms of the trustees of the Canyon Regional Water Authority.

HB 3823, Relating to appointment of commissioners of the Chambers-Liberty Counties Navigation District.

HCR 257, Recognizing May 4, 1999, as Texarkana Day at the State Capitol.

SB 334, Relating to unemployment compensation benefit eligibility of certain inmates.

SB 343, Relating to the creation of the self-sufficiency fund to develop job training for certain recipients of Temporary Assistance for Needy Families.

SB 507, Relating to the requirements for competitive bidding and proposal procedures in certain municipalities.
(Amended)

SB 744, Relating to requests for information under the public information law from incarcerated individuals and their agents.
(Amended)

SB 894, Relating to improper sexual activity between certain law enforcement or correctional personnel and persons under custody; providing a penalty.
(Amended)

SB 1114, Relating to certain promotional activities for certain alcoholic beverage permit holders and licensees.

SB 1236, Relating to regulation of a product that is a combination of a drug and a device.

SB 1560, Relating to School Land Board meetings.

SB 1627, Relating to the Castro County, Hansford County, and Ochiltree County hospital districts; authorizing the issuance of bonds and the imposition of taxes.

SB 1684, Relating to the operation of the East Montgomery County Improvement District; authorizing the issuance of bonds.

SCR 69, Acknowledging the contribution of the 586 officers memorialized on the Texas Peace Officers' Memorial.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

SENATE BILL 1331 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 1331, Relating to an assessment of the effectiveness of Medicaid managed care contracts.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1331**, adding an appropriately numbered SECTION to read as follows: "SECTION 4. This Act takes effect only if a specific appropriation for the implementation of this Act is provided in **HB 1** (General Appropriations Act), Acts of the 76th Legislature, Regular Session, 1999. If no specific appropriation is provided in **HB 1**, the General Appropriations Act, this Act has no effect."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1331 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1331** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Luna, Ratliff.

SB 1331 was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Ratliff.

COMMITTEE SUBSTITUTE SENATE BILL 1391 ON THIRD READING

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

CSSB 1391, Relating to the review by the Texas Workforce Commission of the allocation of certain funds for child care.

The bill was read third time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1391** as follows:

In SECTION 1 of the bill, strike the word "percentage" in proposed Subsection (b) on page 1, line 22 (COMMITTEE PRINT), and replace it with the word "number".

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Shapleigh and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1391 as amended was finally passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Ratliff.

(President in Chair)

SENATE BILL 777 ON SECOND READING

On motion of Senator Bernsen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 777, Relating to a requirement that litter prevention information be included in the curriculum of certain driver education and driving safety courses.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 777 ON THIRD READING

Senator Bernsen moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 777** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Luna, Ratliff.

SB 777 was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Ratliff.

GUESTS PRESENTED

Senator Duncan was recognized and introduced to the Senate Bob Lewis of Big Spring, also known as Tumbleweed Smith of the radio program, *Sounds of Texas*. Mr. Lewis was accompanied by his wife, Susan.

The Senate welcomed Mr. and Mrs. Lewis.

SENATE RESOLUTION 840

Senator Lucio offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing Anita Thigpen Perry on the joyous occasion of her birthday on May 5, 1999; and

WHEREAS, Born and raised in the small town of Haskell, Texas, Anita Thigpen attended public schools, was a member of the National Honor Society, and was active in her church, sports, and cheerleading; and

WHEREAS, She graduated with a bachelor of science degree in nursing from West Texas State University and earned a master's degree in science nursing from The University of Texas Health Science Center at San Antonio; and

WHEREAS, In 1982, Anita married her childhood sweetheart, Rick Perry, who was elected the first Republican Lieutenant Governor in Texas since Reconstruction; the couple has been blessed with two children, Griffin and Sydney Perry; and

WHEREAS, Anita's professional experience has involved working in nearly all fields of nursing, including teaching and administration; prior to moving to Austin, she was the director of nurses at Haskell Memorial Hospital; and

WHEREAS, A highly respected community leader, Anita Perry served on the Haskell Independent School Board for four years and currently serves on several boards, including the Boy Scouts of America; she is a member of the Texas Book Festival Advisory Committee and is the honorary chairwoman for the Firearm Safety Coalition's Gun Safe Program; she is a Sunday school teacher at Tarrytown Methodist Church in Austin; and

WHEREAS, Anita Perry has distinguished herself in the nursing profession and is dedicated to her life as a homemaker and as the wife of a public official; she keeps a challenging and busy schedule and continues to give generously of her time and energy to her family, friends, and the citizens of Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend Anita Thigpen Perry on her many accomplishments and her exemplary leadership and extend best wishes to her for a joyful birthday on May 5, 1999; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Lucio, the resolution was adopted by a viva voce vote.

(Senator Carona in Chair)

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Anita Thigpen Perry, wife of Lieutenant Governor Perry.

The Senate welcomed Mrs. Perry and extended birthday greetings to her.

(President in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 947 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 947, Relating to the authority of the board of regents of The University of Texas System to increase the student union fee at The University of Texas at Austin and to the use of the student union fee.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Shapiro asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

(Senator Fraser in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 947 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 947** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Shapiro, Wentworth.

Absent-excused: Luna, Ratliff.

CSSB 947 was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Shapiro.

Absent-excused: Luna, Ratliff.

SENATE BILL 1876 ON THIRD READING

On motion of Senator Nixon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

SB 1876, Relating to the authority of certain municipalities to impose a sales and use tax to retire the debt of a municipal power agency created by the municipalities.

The bill was read third time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1876** as follows:

On page 1, line 19, between the word "section" and the period insert the following: "provided Section 321.101(f), Tax Code, does apply to a municipality the electric utility of which has between 30,000 and 50,000 meter connections".

By unanimous consent, the amendment was read and was adopted by a viva voce vote.

On motion of Senator Nixon and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

SB 1876 as amended was finally passed by a viva voce vote.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
SENATE BILL 1179 ON SECOND READING**

Senator Wentworth asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

CSSB 1179, Relating to an optional defined contribution retirement plan for persons eligible to participate in the Employees Retirement System of Texas.

There was objection.

Senator Wentworth then moved to suspend the regular order of business and take up **CSSB 1179** for consideration at this time.

The motion was lost by the following vote: Yeas 16, Nays 9. (Not receiving two-thirds vote of Members present)

Yeas: Bivins, Brown, Cain, Carona, Fraser, Gallegos, Haywood, Lindsay, Madla, Nelson, Nixon, Shapiro, Wentworth, West, Whitmire, Zaffirini.

Nays: Armbrister, Barrientos, Bernsen, Harris, Jackson, Moncrief, Ogden, Sibley, Truan.

Absent: Duncan, Ellis, Lucio, Shapleigh.

Absent-excused: Luna, Ratliff.

GUEST PRESENTED

Senator Zaffirini was recognized and introduced to the Senate Whitney Bullock of Corpus Christi, serving today as an Honorary Senate Page.

The Senate welcomed Whitney.

SENATE BILL 1100 ON SECOND READING

On motion of Senator Cain and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 1100, Relating to the use of certain controlled substances to facilitate the commission of the offense of aggravated sexual assault; providing a penalty.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1100 ON THIRD READING

Senator Cain moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1100** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Luna, Ratliff.

SB 1100 was read third time and was passed by a viva voce vote.

(Senator Truan in Chair)

SENATE BILL 1539 ON SECOND READING

Senator Gallegos asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

SB 1539, Relating to local control of police officer employment matters by certain municipalities.

There was objection.

Senator Gallegos then moved to suspend the regular order of business and take up **SB 1539** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 5.

Yeas: Armbrister, Barrientos, Bernsen, Cain, Carona, Ellis, Gallegos, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Shapleigh, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Fraser, Harris, Jackson, Shapiro, Sibley.

Absent: Bivins, Brown, Duncan, Haywood.

Absent-excused: Luna, Ratliff.

The bill was read second time.

Senator Gallegos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1539** as follows:

(1) In SECTION 1 of the bill, in amended Section 143.352(2)(B), Local Government Code, between "benefits" and "," (page 1, line 24, committee printing), insert "other than pension benefits".

(2) Strike SECTION 3 of the bill (page 1, line 40, through page 2, line 12, committee printing) and substitute the following:

SECTION 3. Section 143.354, Local Government Code, is amended to read as follows:

Sec. 143.354. RECOGNITION OF BARGAINING AGENT; APPOINTMENT OF PUBLIC EMPLOYER REPRESENTATIVE; REPRESENTATION OF POLICE EMPLOYEE GROUPS. (a) The public employer in accordance with this section may recognize a police employee group that submits a petition signed by 40 percent of the

number of police officers in the municipality who voted in the last election held under Section 143.360 before the petition is submitted, excluding the head of the department and assistant department heads in the rank or classification immediately below that of the department head, as the sole and exclusive bargaining agent for all of the police officers in the municipality, excluding the department head and assistant department heads, unless recognition of the police employee group is withdrawn by a majority of those police officers in accordance with this section. If an election under Section 143.360 has not been held in the municipality, the public employer in accordance with this section may recognize a police employee group that submits a petition signed by 40 percent of the paid police officers in the municipality, excluding the head of the department and assistant department heads in the rank or classification immediately below that of the department head, as the sole and exclusive bargaining agent for all of the police officers in the municipality, excluding the department head and assistant department heads, unless recognition of the police employee group is withdrawn by a majority of those police officers in accordance with this section. A fair election shall be conducted to resolve the question of whether a police employee group represents a majority of the police officers in the municipality, excluding the department head and assistant department heads.

(b) A petition submitted under Subsection (a) must clearly show on each page the name of the police employee group circulating the petition. A police officer who signs a petition submitted under Subsection (a) may not be counted towards the 40 percent requirement under that subsection unless that officer's printed name and payroll number and the date of the signature are included on the petition. The petition must be submitted to the municipal secretary not later than the 60th day after the first date on which a police officer signs the petition.

(c) Within the 30 days after the date the petition is submitted, the municipal secretary shall verify the signatures on the petition and, if the petition complies with this section, call for the election. The election shall be conducted within 45 days after the date on which the municipal secretary calls for the election.

(d) An election required by this section shall be conducted according to procedures agreed on by the parties. If the parties are unable to agree on election procedures by the 15th day after the date the municipal secretary calls for the election, the American Arbitration Association shall conduct the election and certify the results. Certification of the results of an election under this subsection resolves the question concerning representation.

(e) All costs associated with conducting the election shall be shared equally by all employee groups that are seeking recognition as the bargaining agent in the election. A police employee group must make payments required by this subsection not later than the 10th day before the date on which the election begins.

(f) The public employer's chief executive officer shall designate a team to represent the public employer as its sole and exclusive bargaining agent for issues related to the police department [SELECTION OF MAJORITY BARGAINING AGENT. (a) Not later than January 31, 1998, representatives from each police employee group shall meet to select the majority bargaining agent. The majority bargaining agent must be selected unanimously.

[(b) If the representatives of the police employee groups fail to meet or are unable to reach a unanimous consensus as to a majority bargaining agent before January 31, 1998, the selection of a majority bargaining agent will be governed by Section 143.355].

(3) In SECTION 8 of the bill, in amended Section 143.361(a), Local Government Code, between "terms of employment" and "to the extent of" (page 2, line 61, committee printing), insert "other than pension benefits".

(4) In SECTION 9 of the bill, in amended Section 143.362, Local Government Code, between "rates of pay," and "benefits," (page 3, line 19, committee printing), insert "certain".

(5) Strike SECTION 12 of the bill (page 3, lines 30-34, committee printing) and substitute the following:

SECTION 12. (a) This Act takes effect September 1, 1999.

(b) The change in law made by this Act does not affect the validity of an election held, agreement made, or action taken under Subchapter J, Chapter 143, Local Government Code, before the effective date of this Act.

(c) A police employee group that is a majority bargaining agent, as defined by Section 143.352, Local Government Code, immediately before the effective date of this Act becomes the bargaining agent for the purposes of Section 143.352, Local Government Code, as amended by this Act, on the effective date of this Act, and is considered the recognized sole and exclusive bargaining agent under Section 143.354, Local Government Code, as amended by this Act, until another sole and exclusive bargaining agent is recognized in accordance with Section 143.354.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Gallegos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Fraser, Harris, Jackson, Shapiro, and Sibley asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

GUEST PRESENTED

The Presiding Officer, Senator Truan in Chair, introduced to the Senate Santa Barraza of Kingsville, Chair of the Art Department at Texas A&M University—Kingsville.

The Senate welcomed Ms. Barraza.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 266 ON SECOND READING

Senator Armbrister asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

CSSB 266, Relating to participation by private school students in University Interscholastic League sponsored activities.

There was objection.

Senator Armbrister then moved to suspend the regular order of business and take up **CSSB 266** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 7.

Yeas: Armbrister, Bivins, Brown, Carona, Ellis, Fraser, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Nelson, Nixon, Ogden, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Zaffirini.

Nays: Barrientos, Bernsen, Cain, Duncan, Gallegos, Moncrief, Whitmire.

Absent-excused: Luna, Ratliff.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Bernsen, Cain, Duncan, Gallegos, Moncrief, and Whitmire asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

GUESTS PRESENTED

Senator Bivins was recognized and introduced to the Senate a group of fifth-grade students from Carver Elementary Academy, accompanied by their teacher.

The Senate welcomed its guests.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

SB 109, SB 112, SB 124, SB 221, SB 401, SB 780, SB 979, SB 1252, SB 1467, SB 1545, SB 1585, SB 1594, SB 1746, HB 76, HB 165, HB 649, HB 960, HB 1177, HB 1314, HB 1889, HB 2008, HCR 62, HCR 192.

COMMITTEE SUBSTITUTE

SENATE BILL 1613 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

CSSB 1613, Relating to requiring the Texas Commission on the Arts to develop a five-year program to promote the development of the arts in certain counties located near an international border.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1613** as follows:

In the caption of the bill, (page 1, line 12, committee printing) in between "counties" and "." strike "located near an international border".

In Section 1 of the bill, Sec. 444.031 (page 1, line 16, committee printing) strike "BORDER ARTS INITIATIVE" and substitute "BORDER AND RURAL COMMUNITY ARTS INITIATIVE".

In Section 1 of the bill, Sec. 444.031(a) (page 1, line 20, committee printing) in between "border" and "." insert "and in counties with a population of less than 50,000."

In Section 1 of the bill, Sec. 444.031(b) (page 1, line 27, committee printing) in between "the" and "counties" strike "25".

The amendment was read and was adopted by a viva voce vote.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1613**, adding an appropriately numbered SECTION to read as follows:

"SECTION _____. This Act takes effect only if a specific appropriation for the implementation of this Act is provided in **HB 1** (General Appropriations Act), Acts of the 76th Legislature, Regular Session, 1999. If no specific appropriation is provided in **HB 1**, the General Appropriations Act, this Act has no effect."

LUCIO
RATLIFF

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Lucio and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1613 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1613** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Wentworth.

Absent-excused: Luna, Ratliff.

CSSB 1613 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1772 ON SECOND READING**

Senator Zaffirini asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

CSSB 1772, Relating to the allocation of revenue from the state hotel tax for certain purposes in certain municipalities located in a park and recreation district.

There was objection.

Senator Zaffirini then moved to suspend the regular order of business and take up **CSSB 1772** for consideration at this time.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Fraser.

Absent-excused: Luna, Ratliff.

The bill was read second time.

(Senator Shapiro in Chair)

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1772** by striking SECTION 1 of the bill (Committee Printing page 1, lines 14-30) and substituting the following:

SECTION 1. Subchapter B, Chapter 351, Tax Code, is amended by adding Section 351.107 to read as follows:

Sec. 351.107. ALLOCATION OF REVENUE: CERTAIN MUNICIPALITIES LOCATED IN A PARK AND RECREATION DISTRICT. If the tax authorized under this chapter is imposed by a municipality with a population of more than 25,000 located in a county in which a park and recreation district has been created under Chapter 324, Local Government Code, the use of money received from the tax imposed under this chapter to clean and maintain rivers located within the boundaries of the municipality complies with the requirements of Section 351.101.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Zaffirini and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Fraser asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1772 ON THIRD READING**

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1772** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Nixon, Ogden, Shapiro, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Fraser, Wentworth.

Absent-excused: Luna, Ratliff.

CSSB 1772 was read third time and was passed by the following vote: Yeas 28, Nays 1.

Nays: Fraser.

Absent-excused: Luna, Ratliff.

SENATE BILL 445 WITH HOUSE AMENDMENTS

Senator Moncrief called **SB 445** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 445** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to a child health plan for certain low-income children.

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

SECTION 1. Subtitle C, Title 2, Health and Safety Code, is amended by adding Chapters 62 and 63 to read as follows:

CHAPTER 62. CHILD HEALTH PLAN
FOR CERTAIN LOW-INCOME CHILDREN
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 62.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Commissioner" means the commissioner of health and human services.

(3) "Health plan provider" means an insurance company, health maintenance organization, or other entity that provides health benefits coverage under the child health plan program. The term includes a primary care case management provider network.

(4) "Net family income" means the amount of income established for a family after reduction for offsets for expenses such as child care and work-related expenses, in accordance with standards applicable under the Medicaid program.

Sec. 62.002. NOT AN ENTITLEMENT; TERMINATION OF PROGRAM.

(a) This chapter does not establish an entitlement to assistance in obtaining health benefits for a child.

(b) The program established under this chapter terminates at the time that federal funding terminates under Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, unless a successor program providing federal funding for a state-designed child health plan program is created.

Sec. 62.003. FEDERAL LAW AND REGULATIONS. The commissioner shall monitor federal legislation affecting Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.) and changes to the federal regulations implementing that law. If the commissioner determines that a change to Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.) or the federal regulations implementing that law conflicts with this chapter, the commissioner shall report the changes to the governor, lieutenant governor, and speaker of the house of representatives, with recommendations for legislation necessary to implement the federal law or regulations, seek a waiver, or withdraw from participation.

[Sections 62.004 to 62.050 reserved for expansion]

SUBCHAPTER B. ADMINISTRATION
OF CHILD HEALTH PLAN PROGRAM

Sec. 62.051. DUTIES OF COMMISSION. (a) The commission shall develop a state-designed child health plan program to obtain health benefits coverage for children in low-income families. The plan shall include an option for the parent of the child to participate in a medical savings account insurance program as defined in 26 U.S.C. Section 220(d)(1) and allow a parent's employer or other benefactor to contribute to said program. The commission shall ensure that the child health plan and medical savings account insurance program is designed and administered in a manner

that qualifies for federal funding under Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations.

(b) The commission is the agency responsible for making policy for the child health plan program, including policy related to covered benefits provided under the child health plan. The commission may not delegate this duty to another agency or entity.

(c) The commission shall oversee the implementation of the child health plan program and coordinate the activities of each agency necessary to the implementation of the program, including the Texas Department of Health, Texas Department of Human Services, and Texas Department of Insurance.

(d) The commission shall adopt rules as necessary to implement this chapter. The commission may require the Texas Department of Health, the Texas Department of Human Services, or any other health and human services agency to adopt, with the approval of the commission, any rules that may be necessary to implement the program. With the consent of another agency, including the Texas Department of Insurance, the commission may delegate to that agency the authority to adopt, with the approval of the commission, any rules that may be necessary to implement the program.

(e) The commission shall conduct a review of each entity that enters into a contract to implement any part of the child health plan program, including an entity with which the commission contracts under Section 62.055 and each health plan provider, to ensure that the entity is available, prepared, and able to fulfill the entity's obligations under the contract in compliance with the contract, this chapter, and rules adopted under this chapter.

Sec. 62.052. DUTIES OF TEXAS DEPARTMENT OF HEALTH. (a) The commission may direct the Texas Department of Health to:

(1) implement contracts with health plan providers under Section 62.155;

(2) monitor the health plan providers, through reporting requirements and other means, to ensure performance under the contracts and quality delivery of services;

(3) monitor the quality of services delivered to enrollees through outcome measurements including:

(A) rate of hospitalization for ambulatory sensitive conditions, including asthma, diabetes, epilepsy, dehydration, gastroenteritis, pneumonia, and UTI/kidney infection;

(B) rate of hospitalization for injuries;

(C) percent of enrolled adolescents reporting risky health behavior such as injuries, tobacco use, alcohol/drug use, dietary behavior, physical activity, or other health related behaviors; and

(D) percent of adolescents reporting attempted suicide; and

(4) provide payment under the contracts to the health plan providers.

(b) The commission, or the Texas Department of Health under the direction of and in consultation with the commission, shall adopt rules as necessary to implement this section.

Sec. 62.053. DUTIES OF TEXAS DEPARTMENT OF HUMAN SERVICES. (a) Under the direction of the commission, the Texas Department of Human Services may:

(1) accept applications for coverage under the child health plan and implement the child health plan program eligibility screening and enrollment procedures;

(2) resolve grievances relating to eligibility determinations; and

(3) coordinate the child health plan program with the Medicaid program.

(b) If the commission contracts with a third party administrator under Section 62.055, the commission may direct the Texas Department of Human Services to:

(1) implement the contract;

(2) monitor the third party administrator, through reporting requirements and other means, to ensure performance under the contract and quality delivery of services; and

(3) provide payment under the contract to the third party administrator.

(c) The commission, or the Texas Department of Human Services under the direction of and in consultation with the commission, shall adopt rules as necessary to implement this section.

Sec. 62.054. DUTIES OF TEXAS DEPARTMENT OF INSURANCE. (a) At the request of the commission, the Texas Department of Insurance shall provide any necessary assistance with the development of the child health plan. The department shall monitor the quality of the services provided by health plan providers and resolve grievances relating to the health plan providers.

(b) The commission and the Texas Department of Insurance may adopt a memorandum of understanding that addresses the responsibilities of each agency in developing the plan.

(c) The Texas Department of Insurance, in consultation with the commission, shall adopt rules as necessary to implement this section.

Sec. 62.055. CONTRACTS FOR IMPLEMENTATION OF CHILD HEALTH PLAN. (a) In administering the child health plan, the commission may contract with:

(1) a third party administrator to provide eligibility screening, enrollment procedures, or related services under the state child health plan; or

(2) another entity, including the Texas Healthy Kids Corporation under Subchapter F, Chapter 109, to obtain health benefit plan coverage for children who are eligible for coverage under the state child health plan.

(b) A third party administrator or other entity may perform tasks under the contract that would otherwise be performed by the Texas Department of Health or Texas Department of Human Services under this chapter.

(c) If the commission elects to contract with a third party administrator or other entity as described in Subsection (a), the commission shall:

(1) retain all policymaking authority over the state child health plan;

(2) procure all contracts with a third party administrator or other entity through a competitive procurement process in compliance with all applicable federal and state laws or regulations; and

(3) ensure that all contracts with child health plan providers under Section 62.155 are procured through a competitive procurement process in compliance with all applicable federal and state laws or regulations.

Sec. 62.056. COMMUNITY OUTREACH CAMPAIGN; TOLL-FREE HOTLINE. (a) The commission shall conduct a community outreach and education campaign to provide information relating to the availability of health benefits for

children under this chapter. The commission shall conduct the campaign in a manner that promotes the goals of all child health programs and minimizes duplication of effort.

(b) The community outreach campaign must include:

(1) outreach efforts that involve school-based health clinics; and

(2) a toll-free telephone number through which families may obtain information about health benefits coverage for children.

(c) The commission shall contract with community-based organizations to implement the community outreach campaign and shall also promote and encourage voluntary efforts to implement the community outreach campaign. The commission shall award the contracts in a manner that encourages broad participation of organizations, with an emphasis on organizations that target population groups with high levels of uninsured children.

(d) The commission may direct that the Texas Department of Health or the Texas Department of Human Services perform part of the community outreach campaign.

(e) The commission shall be responsible for informing each eligible child's parent as to the existence of the medical savings account insurance program option and providing the parent with the opportunity to choose or refuse to participate in said program.

Sec. 62.057. ADVISORY COMMITTEE. (a) Not later than the 180th day before the date on which the commission plans to begin to provide health care services to recipients through the child health plan program, the commission shall appoint an advisory committee to provide recommendations on the implementation and operation of the child health plan program.

(b) The advisory committee must be composed of representatives of:

(1) hospitals;

(2) insurance companies and health maintenance organizations eligible to offer the health benefits coverage under the child health plan;

(3) primary care providers;

(4) state agencies;

(5) consumer advocates;

(6) parents of children who are enrolled in the child health plan;

(7) rural health care providers;

(8) advocates for children with special health care needs;

(9) specialty health care providers, including pediatric providers; and

(10) community-based organizations that provide community outreach under Section 62.056.

(c) The advisory committee shall meet at least quarterly and is subject to Chapter 551, Government Code.

(d) Section 2110.008, Government Code, does not apply to the advisory committee.

Sec. 62.058. FRAUD PREVENTION. The commission shall develop and implement rules for the prevention and detection of fraud in the child health plan program.

[Sections 62.059 to 62.100 reserved for expansion]

SUBCHAPTER C. ELIGIBILITY FOR
COVERAGE UNDER CHILD HEALTH PLAN

Sec. 62.101. ELIGIBILITY. (a) A child is eligible for health benefits coverage under the child health plan if the child:

(1) is younger than 19 years of age;

(2) is not eligible for medical assistance under the Medicaid program;

(3) is not covered by a health benefits plan offering adequate benefits, as determined by the commission, except that this subdivision shall not apply if the cost to the child's family of the health benefits plan covering the child exceeds 10 percent of the family's net income;

(4) has a family income that is less than or equal to the income eligibility level established under Subsection (b); and

(5) satisfies any other eligibility standard imposed under the child health plan program in accordance with 42 U.S.C. Section 1397bb, as amended, and any other applicable law or regulations.

(b) The commission shall establish income eligibility levels consistent with Title XXI, Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations, and subject to the availability of appropriated money. At the implementation of the program a child who is younger than 19 years of age and whose net family income is at or below 200 percent of the federal poverty level is eligible for health benefits coverage under the program.

Sec. 62.102. CONTINUOUS COVERAGE. The commission shall provide that an individual who is determined to be eligible for coverage under the child health plan remains eligible for those benefits until the earlier of:

(1) the end of a period, not to exceed 12 months, following the date of the eligibility determination; or

(2) the individual's 19th birthday.

Sec. 62.103. APPLICATION FORM AND PROCEDURES. (a) The commission, or the Texas Department of Human Services at the direction of and in consultation with the commission, shall adopt an application form and application procedures for requesting child health plan coverage and the medical savings account insurance program option under this chapter.

(b) The form and procedures must be coordinated with forms and procedures under the Medicaid program and forms and procedures used by the Texas Healthy Kids Corporation so that a person may submit a single consolidated application to seek assistance under this chapter or the Medicaid program or from the corporation.

(c) To the extent possible, the application form shall be made available in languages other than English.

(d) The commission may permit application to be made by mail, over the telephone, or through the Internet.

Sec. 62.104. ELIGIBILITY SCREENING AND ENROLLMENT. (a) The commission, or the Texas Department of Human Services at the direction and in consultation with the commission, shall develop eligibility screening and enrollment procedures for children that comply with the requirements of 42 U.S.C. Section 1397bb, as amended, and any other applicable law or regulations.

(b) The Texas Integrated Enrollment Services eligibility determination system or a compatible system may be used to screen and enroll children under the child health plan.

(c) The eligibility screening and enrollment procedures shall ensure that children who appear to be Medicaid-eligible are identified and that their families are assisted in applying for Medicaid coverage.

(d) A child who applies for enrollment in the child health plan, who is denied Medicaid coverage after completion of a Medicaid application under Subsection (c), but who is eligible for enrollment in the child health plan, shall be enrolled in the child health plan without further application or qualification.

(e) The commission shall report quarterly to the Health Care Information Council and the committees of both houses of the legislature with jurisdiction over the child health plan:

(1) the number of children referred for Medicaid application under this section who are enrolled in the Medicaid program; and

(2) the number of children who are denied coverage under the Medicaid program because they failed to complete the application process.

(f) A determination of whether a child is eligible for child health plan coverage under the program and the enrollment of an eligible child with a health plan provider must be completed in a timely manner, as determined by the commission, but not later than the 30th day after the date a complete application is submitted on behalf of the child.

(g) In the first year of implementation of the child health plan, enrollment shall be open. Thereafter, the commission may establish enrollment periods.

Sec. 62.105. COVERAGE FOR QUALIFIED ALIENS. The commission shall provide coverage under the state Medicaid program and under the program established under this chapter to a child who is a qualified alien, as that term is defined by 8 U.S.C. Section 1641(b), if the federal government authorizes the state to provide that coverage. The commission shall comply with any prerequisite imposed under the federal law to providing that coverage.

[Sections 62.106 to 62.150 reserved for expansion]

SUBCHAPTER D. CHILD HEALTH PLAN

Sec. 62.151. CHILD HEALTH PLAN COVERAGE. (a) The child health plan must comply with this chapter and the coverage requirements prescribed by 42 U.S.C. Section 1397cc, as amended, and any other applicable law or regulations.

(b) In developing the covered benefits, the commission shall consider the health care needs of healthy children and children with special health care needs. At the time the child health plan program is first implemented, the child health plan must provide covered benefits in substantial compliance with the recommended benefits package described for a state-designed child health plan by the Texas House of Representatives Committee on Public Health "CHIP" Interim Report to the Seventy-Sixth Texas Legislature dated December, 1998, and the Senate Interim Committee on Children's Health Insurance Report to the Seventy-Sixth Texas Legislature dated December 1, 1998. The commissioner shall annually evaluate the covered benefits provided under the child health plan and may modify the covered benefits as appropriate, considering the information obtained in implementing the program and budgetary limitations.

(c) In developing the plan, the commission shall ensure that primary and preventive health benefits do not include reproductive services.

(d) The child health plan must allow an enrolled child with a chronic, disabling, or life-threatening illness to select an appropriate specialist as a primary care physician.

Sec. 62.152. APPLICATION OF INSURANCE LAW. To provide the flexibility necessary to satisfy the requirements of Title XXI of the Social Security Act (42 U.S.C.

Section 1397aa et seq.), as amended, and any other applicable law or regulations, the child health plan is not subject to a law that requires:

- (1) coverage or the offer of coverage of a health care service or benefit;
- (2) coverage or the offer of coverage for the provision of services by a particular health care services provider, except as provided by Section 62.155(c); or
- (3) the use of a particular policy or contract form or of particular language in a policy or contract form.

Sec. 62.153. COST SHARING. (a) To the extent permitted under 42 U.S.C. Section 1397cc, as amended, and any other applicable law or regulations, the commission shall require enrollees to share the cost of the child health plan, including provisions requiring enrollees under the child health plan to pay:

- (1) a copayment for services provided under the plan;
- (2) an enrollment fee; or
- (3) a portion of the plan premium.

(b) Cost-sharing provisions adopted under this section shall ensure that families with higher levels of income are required to pay progressively higher percentages of the cost of the plan.

(c) If cost-sharing provisions imposed under Subsection (a) include requirements that enrollees pay a portion of the plan premium, the commission shall specify the manner in which the premium is paid. The commission may require that the premium be paid to the Texas Department of Health, the Texas Department of Human Services, or the health plan provider.

Sec. 62.154. CROWD OUT. (a) To the extent permitted under Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, and any other applicable law or regulations, the child health plan must include a waiting period and may include copayments and other provisions intended to discourage:

- (1) employers and other persons from electing to discontinue offering coverage for children under employee or other group health benefit plans; and
- (2) individuals with access to adequate health benefit plan coverage, other than coverage under the child health plan, from electing not to obtain or to discontinue that coverage for a child.

(b) A child is not subject to a waiting period adopted under Subsection (a) if:

- (1) the family lost coverage for the child as a result of:
 - (A) termination of employment because of a layoff or business closing;
 - (B) termination of continuation coverage under the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. No. 99-272);
 - (C) change in marital status of a parent of the child; or
 - (D) similar circumstance resulting in the involuntary loss of coverage; or

(2) the commission has determined that other grounds exist for a good cause exception.

(c) A child described by Subsection (b)(2) may enroll in the child health plan program at any time, without regard to any open enrollment period established under the enrollment procedures.

(d) The waiting period required by Subsection (a) must:

- (1) extend for a period of 90 days after the date of application for coverage under the child health plan; and

(2) apply to a child who was covered by a health benefits plan at any time during the 90 days before the date of application for coverage under the child health plan, other than a child who was covered under a health benefits plan provided under Chapter 109.

Sec. 62.155. HEALTH PLAN PROVIDERS. (a) The commission, or the Texas Department of Health at the direction of and in consultation with the commission, shall select the health plan providers under the program through open enrollment or a competitive bid process. A health plan provider must hold a certificate of authority or other appropriate license issued by the Texas Department of Insurance that authorizes the health plan provider to provide the type of child health plan offered and must satisfy, except as provided by this chapter, any applicable requirement of the Insurance Code or another insurance law of this state.

(b) In selecting a health plan provider to provide or arrange for services in a region of the state under a type of child health plan that includes managed care organizations, the commission shall give to the extent possible preference to a managed care organization that provides similar coverage under a contract with the Medicaid program or with the Texas Healthy Kids Corporation in that region.

(c) Section 533.006, Government Code, applies to a managed care organization or other entity that:

(1) contracts with the commission or with another agency or entity to operate a part of the child health plan under this chapter; and

(2) uses a provider network to provide or arrange for health care services under the child health plan.

(d) In selecting a health plan provider, the commission:

(1) may give preference to a person who provides similar coverage under the Medicaid program or through the Texas Healthy Kids Corporation; and

(2) shall provide for a choice of at least two health plan providers in each metropolitan area.

(e) In a metropolitan area in which the Medicaid managed care program established under Chapter 533, Government Code, has been implemented, at least one of the health plan providers must be a managed care organization that is participating in the Medicaid managed care program.

(f) The commissioner may authorize an exception to Subsection (b)(2) if there is only one acceptable applicant to become a health plan provider in the metropolitan area.

Sec. 62.156. HEALTH CARE PROVIDERS. An individual health care provider who provides health care services under the child health plan must satisfy certification and licensure requirements, as required by the commission, consistent with law.

CHAPTER 63. HEALTH BENEFITS PLAN FOR CERTAIN CHILDREN

Sec. 63.001. DEFINITION. In this chapter, "commission" means the Health and Human Services Commission.

Sec. 63.002. HEALTH BENEFITS PLAN COVERAGE FOR CERTAIN CHILDREN. The commission shall develop and implement a program to provide health benefits plan coverage for a child who:

(1) is a qualified alien, as that term is defined by 8 U.S.C. Section 1641(b);

(2) is younger than 19 years of age;

(3) entered the United States after August 22, 1996;

(4) has resided in the United States for less than five years; and

(5) meets the income eligibility requirement of, but is not eligible for assistance under:

(A) the child health plan program under Chapter 62; or

(B) the medical assistance program under Chapter 32, Human Resources Code.

Sec. 63.003. BENEFITS COVERAGE REQUIRED. To the extent possible, the program required by Section 63.002 must provide benefits comparable to the benefits provided under the child health plan program under Chapter 62.

Sec. 63.004. HEALTH BENEFITS PLAN PROVIDER. (a) A health benefits plan provider under this chapter must:

(1) hold a certificate of authority or other appropriate license issued by the Texas Department of Insurance that authorizes the health benefits plan provider to provide the type of coverage to be offered through the program required by Section 63.002; and

(2) satisfy, except as provided by Subsection (b), any other applicable requirement of the Insurance Code or another insurance law of this state.

(b) Except as required by the commission, a health benefits plan provider under this chapter is not subject to a law that requires coverage or the offer of coverage of a health care service or benefit.

Sec. 63.005. COST-SHARING PAYMENTS. (a) Except as provided by Subsection (b), the commission may not require a child who is provided health benefits plan coverage under Section 63.002 and who meets the income eligibility requirement of the medical assistance program under Chapter 32, Human Resources Code, to pay a premium, deductible, coinsurance, or other cost-sharing payment as a condition of health benefits plan coverage under this chapter.

(b) The commission may require a child described by Subsection (a) to pay a co-payment as a condition of health benefits plan coverage under this chapter that is equal to any co-payment required under the child health plan program under Chapter 62.

(c) The commission may require a child who is provided health benefits plan coverage under Section 63.002 and who meets the income eligibility requirement of the child health plan program under Chapter 62 to pay a premium, deductible, coinsurance, or other cost-sharing payment as a condition of health benefits plan coverage under this chapter. The payment must be equal to any premium, deductible, coinsurance, or other cost-sharing payment required under the child health plan program under Chapter 62.

Sec. 63.006. DISALLOWANCE OF MATCHING FUNDS FROM FEDERAL GOVERNMENT. Expenditures made to provide health benefits plan coverage under this section may not be included for the purpose of determining the state children's health insurance expenditures, as that term is defined by 42 U.S.C. Section 1397ee(d)(2)(B), as amended.

SECTION 2. Chapter 109, Health and Safety Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. STATE CHILD HEALTH PLAN

Sec. 109.201. DEFINITIONS. In this subchapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "State child health plan" means the child health plan program established under Chapter 62.

Sec. 109.202. CHILD HEALTH PLAN COVERAGE. (a) The commission may use appropriated funds, in accordance with the General Appropriations Act, to purchase coverage under a health benefit plan provided through the corporation for children who are eligible for coverage under the state child health plan and to contract with the corporation for other services under this subchapter.

(b) State child health plan coverage offered under this subchapter must be approved by the commission. The commission shall ensure that coverage provided under this subchapter complies with Chapter 62.

Sec. 109.203. ELIGIBILITY. Notwithstanding any other provision of this chapter or the eligibility criteria established under Section 109.061, an individual who is eligible for coverage under the state child health plan, as determined by the commission, is eligible for coverage provided through the corporation under this subchapter.

Sec. 109.204. COMMUNITY OUTREACH; ELIGIBILITY SCREENING. (a) In connection with offering state child health plan coverage under this subchapter, the corporation, under the direction of the commission, may:

(1) conduct all or part of the community outreach and education campaign required under Section 62.056; and

(2) perform eligibility screening and enrollment services.

(b) The eligibility screening and enrollment procedures used by the corporation must comply with Chapter 62.

Sec. 109.205. COMPETITIVE PROCUREMENT. (a) If the corporation is selected to offer state child health plan coverage under this subchapter and subsequently as required by the commission or otherwise appropriate, the corporation shall use a competitive procurement process, satisfactory to the commission, to ensure that the state receives the best value with respect to:

(1) a contract with any third party administrator that may provide services with respect to the state child health plan; and

(2) any eligible coverage providers providing health benefits through the state child health plan.

(b) As part of the competitive procurement process, the corporation shall evaluate the demonstrated capacity of any third party administrator to administer programs of similar size and complexity.

Sec. 109.206. REPORTING AND ACCOUNTABILITY. (a) The corporation shall report to the commission as required by the commission with respect to coverage and services provided under this subchapter.

(b) The commission shall establish a procedure to monitor the provision of coverage and services under this subchapter.

SECTION 3. Section 4, Article 3.51-6, Insurance Code, is amended to read as follows:

Sec. 4. EXEMPTIONS. The provisions of this article shall not be applicable to:

(1) credit accident and health insurance policies subject to Article 3.53 of the Insurance Code, as amended;

(2) any group specifically provided for or authorized by law in existence and covered under a policy filed with the State Board of Insurance prior to April 1, 1975;

(3) accident and health coverages that are incidental to any form of group automobile, casualty, property, or workmen's compensation—employers' liability policies promulgated or approved by the State Board of Insurance;

(4) any policy or contract of insurance with a state agency, department, or board providing health services to ~~all~~ eligible persons under Chapter 32, Human Resources Code, or in accordance with 42 U.S.C. Sections 1396-1396g, as amended, or 42 U.S.C. Section 1397aa et seq., as amended, [Section 6, The Medical Assistance Act of 1967, as amended (Article 695j—1, Vernon's Texas Civil Statutes), 343-353 (42 U.S.C.A. 1396-1396g), providing health care and services] under a state plan.

SECTION 4. Not later than September 1, 1999, the Health and Human Services Commission shall:

(1) develop the child health plan required under Chapter 62, Health and Safety Code, as added by this Act; and

(2) submit for approval a plan amendment relating to the child health plan under 42 U.S.C. Section 1397ff, as amended.

SECTION 5. If, before implementing any provision of Chapter 62 or 63, Health and Safety Code, as added by this Act, the Health and Human Services Commission determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the commission shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 6. The first money becoming available to the state each fiscal year as a result of the Comprehensive Settlement Agreement and Release filed in the case styled *The State of Texas v. The American Tobacco Co., et al.*, No. 5-96CV-91, in the United States District Court, Eastern District of Texas, shall be used to fund the child health plan program established by this state under Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended.

SECTION 7. The standing or other committees of the House of Representatives and Senate of the 76th Legislature that have jurisdiction over the Health and Human Services Commission and other agencies related to the implementation of Chapter 62, Health and Safety Code, as added by this Act, as identified by the speaker of the house of representatives and the lieutenant governor, shall:

(1) monitor the implementation of Chapter 62, Health and Safety Code, as added by this Act; and

(2) perform other related duties as required by the speaker of the house of representatives and lieutenant governor, as appropriate.

SECTION 8. (a) Not later than September 1, 2000, the Health and Human Services Commission shall establish and implement the health benefits plan coverage program required by Chapter 63, Health and Safety Code, as added by this Act.

(b) The commission may delay implementation of the health benefits plan coverage program until a plan amendment relating to the child health plan under 42 U.S.C. Section 1397ff, as amended, is approved.

SECTION 9. The state shall provide coverage under the state Medicaid program or under a program established under Title XXI of the Social Security Act (42 U.S.C. Section 1397aa et seq.), as amended, to a child described by Section 63.002, Health and Safety Code, as added by this Act, if the federal government authorizes the state to provide that coverage. The Health and Human Services Commission or any other appropriate agency shall comply with any prerequisites under the federal law to providing the coverage.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public

necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1

Amend **CSSB 445** as follows:

(1) In Section 62.051(a), Health and Safety Code, as added by SECTION 1 of the bill, at the beginning of the second sentence (page 2, lines 20-21, house committee printing), strike "The plan shall" and substitute "If authorized by federal law, the plan shall".

(2) In Section 62.056(e), Health and Safety Code, as added by SECTION 1 of the bill, (page 8, line 3, house committee printing), strike "The commission shall" and substitute "If a medical savings account insurance program is authorized by federal law, the commission shall".

(3) In Section 62.103(a), Health and Safety Code, as added by SECTION 1 of the bill, (page 10, line 21, house committee printing), between "health plan coverage and" and "the medical savings account insurance", insert , if authorized by federal law,.

Floor Amendment No. 2

Amend **CSSB 445** as follows:

(1) In Section 62.056(c), as added by SECTION 1 of the bill, in the second sentence (page 7, lines 23-24, house committee printing), strike "award the contracts in a manner that encourages" and substitute "procure the contracts through a process designed by the commission to encourage".

(2) In Section 62.155(a), as added by SECTION 1 of the bill, in the first sentence (page 16, lines 10-11, house committee printing), strike "open enrollment or a competitive bid process" and substitute "a competitive procurement process".

Floor Amendment No. 5

Amend **CSSB 445** as follows:

In SECTION 1, add new Section 62.001, Health and Safety Code (page 1, line 8), and reorder subsequent sections:

Sec. 62.001. OBJECTIVE OF THE STATE CHILD HEALTH PLAN.
(a) The objective of the state child health plan is to provide primary and preventative health care to low income, uninsured children of this state not served by or eligible for other state assisted health insurance programs.

Floor Amendment No. 6

Amend the Wohlgemuth amendment to **CSSB 445** in Section 62.001(a), Health and Safety Code, as added by the amendment, between "The" and "objective", by inserting "principal".

Floor Amendment No. 7

Amend **CSSB 445** following Section 62.002, Health and Safety Code, as added by SECTION 1 of the bill (page 2, between lines 4-5, house committee printing), by inserting the following new Subsection (c):

(c) Unless the legislature authorizes the expenditure of other revenue for the program established under this chapter, the program terminates on the date that

money obtained by the state as a result of the Comprehensive Settlement Agreement and Release filed in the case styled The State of Texas v. The American Tobacco Co., et al., No. 5-96CV-91, in the United States District Court, Eastern District of Texas, is no longer available to provide state funding for the program.

Floor Amendment No. 8

Amend **CSSB 445** in Section 62.056(a), Health and Safety Code, as added by SECTION 1 of the bill (page 7, lines 11-12, house committee printing), by striking "promotes the goals of all" and substituting "coordinates enrollment in all state administered".

Floor Amendment No. 9

Amend **CSSB 445** by striking Section 62.104(f), Health and Safety Code, as added by SECTION 1 of the bill (page 12, lines 5-10, house committee printing), and substituting:

(f) A determination of whether a child is eligible for child health plan coverage under the program and the enrollment of an eligible child with a health plan provider must be completed, and information on the family's available choice of health plan providers must be provided, in a timely manner, as determined by the commission. The commission must require that the determination be made and the information be provided not later than the 30th day after the date a complete application is submitted on behalf of the child, unless the child is referred for Medicaid application under this section.

Floor Amendment No. 10

Amend **CSSB 445** as follows:

(1) In Section 62.152(2), Health and Safety Code, as added by SECTION 1 of the bill, strike "Section 62.155(c)" and substitute "Section 62.155(b)" (page 14, line 3, house committee printing).

(2) In Section 62.155, Health and Safety Code, as added by SECTION 1 of the bill, strike Subsection (b) (page 16, lines 18-24, house committee printing).

(3) In Section 62.155, Health and Safety Code, as added by SECTION 1 of the bill, reletter Subsection (c) as Subsection (b) (page 16, line 25, house committee printing).

(4) In Section 62.155, Health and Safety Code, as added by SECTION 1 of the bill, reletter Subsection (d) as Subsection (c) (page 17, line 5, house committee printing).

(5) In Section 62.155, Health and Safety Code, as added by SECTION 1 of the bill, reletter Subsection (e) as Subsection (d) (page 17, line 11, house committee printing).

(6) In Section 62.155, Health and Safety Code, as added by SECTION 1 of the bill, reletter Subsection (f) as Subsection (e) (page 17, line 16, house committee printing) and in that subsection strike "Subsection (b)(2)" and substitute "Subsection (c)(2)" (page 17, line 17, house committee printing).

Floor Amendment No. 11

Amend **CSSB 445** in Section 62.155(e), Health and Safety Code, as added by SECTION 1 of the bill, strike "that is participating in the Medicaid managed care

program" (page 17, lines 14-15, house committee printing) and substitute the following:

"that is:

(1) participating in the Medicaid managed care program; or

(2) offering health benefit plan coverage through the Texas Healthy Kids Corporation".

Floor Amendment No. 14

Amend **CSSB 445** as follows:

(1) In Section 62.101(a)(3), as added by SECTION 1 of the bill (page 9, lines 19-22, house committee printing), strike "except that this subdivision shall not apply if the cost to the child's family of the health benefits plan covering the child exceeds 10 percent of the family net income".

(2) Strike Sections 62.154(b) and (c), as added by SECTION 1 of the bill, (page 15, line 8-25, house committee printing), and substitute the following:

(b) A child is not subject to a waiting period adopted under Subsection (a) if:

(1) the family lost coverage for the child as a result of:

(A) termination of employment because of a layoff or business closing;

(B) termination of continuation coverage under the Consolidated

Omnibus Budget Reconciliation Act of 1985 (Pub. L. No. 99-272);

(C) a change in marital status of a parent of the child;

(D) termination of the child's Medicaid eligibility because:

(i) the child's family's earnings or resources increased; or

(ii) the child reached an age at which Medicaid coverage is not

available; or

(E) a similar circumstance resulting in the involuntary loss of coverage;

(2) the family terminated health benefits plan coverage for the child because the cost to the child's family for the coverage exceeded 10 percent of the family's net income; or

(3) the commission has determined that other grounds exist for a good cause exception.

(c) A child described by Subsection (b) may enroll in the child health plan program at any time, without regard to any open enrollment period established under the enrollment procedures.

Floor Amendment No. 15

Amend **CSSB 445** in Section 62.051, Health and Safety Code, as added by SECTION 1 of the bill (page 4, between lines 1 and 2), by inserting a new Subsection (f) to read as follows:

(f) The commission shall ensure that the amounts spent for administration of the child health plan program do not exceed any limit on those expenditures imposed by federal law.

Floor Amendment No. 16

Amend **CSSB 445** as follows:

(1) Strike Section 62.055(a), Health and Safety Code, as added by SECTION 1 of the bill (page 6, lines 8-16, house committee printing), and substitute:

(a) Notwithstanding any other provision of this chapter and except as provided by this subsection, in administering the child health plan, the commission shall contract

with the Texas Healthy Kids Corporation under Subchapter F, Chapter 109, to obtain health benefit plan coverage for children who are eligible for coverage under the state child health plan. If the board of directors of the Texas Healthy Kids Corporation, by a vote of the board, determines that the corporation is unable to implement the child health plan on a statewide basis, the commission may not contract with the Texas Healthy Kids Corporation under this section but may contract with:

(1) a third party administrator to provide eligibility screening, enrollment procedures, or related services under the state child health plan; or

(2) another entity to obtain health benefit plan coverage for children who are eligible for coverage under the state child health plan.

(2) In Section 62.055(b), Health and Safety Code, as added by SECTION 1 of the bill (page 6, line 17, house committee printing), strike "or other entity" and substitute "the Texas Healthy Kids Corporation, or other entity".

(3) In Section 62.055(c), Health and Safety Code, as added by SECTION 1 of the bill (page 6, lines 21-22, house committee printing), strike "If the commission elects to contract with a third party administrator or other entity as described in Subsection (a), the" and substitute "The".

Floor Amendment No. 17

Amend the Janek Amendment to **CSSB 445** (Amending added Section 62.055, Health and Safety Code), in substituted Section 62.055(a), by striking "under the state child health plan. If" and substituting "under the state child health plan, but only if the commission, after conducting a readiness review of the corporation, determines that the corporation and its contractors are able to implement the child health plan on a statewide basis. Notwithstanding the foregoing, if".

Floor Amendment No. 1 on Third Reading

Amend **CSSB 445** on third reading as follows:

(1) In SECTION 1, in added Chapter 63, Health and Safety Code, insert a new Section 63.002, to read as follows:

Sec. 63.002. NOT AN ENTITLEMENT. This chapter does not establish an entitlement to assistance in obtaining health benefits for a child.

(2) In SECTION 1, in added Chapter 63, Health and Safety Code, renumber existing Sections 63.002-63.006 as Sections 63.003-63.007 and renumber cross-references appropriately.

(3) In SECTION 9, renumber the cross-reference to Section 63.002, Health and Safety Code, appropriately.

The amendments were read.

Senator Moncrief moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The Presiding Officer, Senator Shapiro in Chair, asked if there were any motions to instruct the conference committee on **SB 445** before appointment.

There were no motions offered.

The Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Moncrief, Chair; Shapleigh, Ratliff, Madla, and Nelson.

SENATE BILL 142 WITH HOUSE AMENDMENT

Senator Brown called **SB 142** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1 on Third Reading

Amend **SB 142**, on third reading, in SECTION 1 of the bill, in amended Section 16.323(c), Water Code, as follows:

- (1) In Subdivision (1), immediately following "more;", strike "or".
- (2) In Subdivision (2), between "more" and the period, insert the following:

: or

(3) has a population of 270,000 or more and is adjacent to two or more counties each of which has a population of one million or more

The amendment was read.

Senator Brown moved to concur in the House amendment to **SB 142**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Ratliff.

SENATE BILL 448 WITH HOUSE AMENDMENT

Senator Duncan called **SB 448** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 448** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the boll weevil eradication program.

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

SECTION 1. Chapter 74, Agriculture Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. COST-SHARING FOR BOLL WEEVIL ERADICATION

Sec. 74.151. DEFINITIONS. In this subchapter:

(1) "Boll weevil" and "pink bollworm" have the meanings assigned by Section 74.002.

(2) "Commissioner" has the meaning assigned by Section 74.102.

Sec. 74.152. CREATION OF COST-SHARING PROGRAM. As part of the program to eradicate the boll weevil and the pink bollworm under this chapter, a cost-sharing program is created to be administered under this chapter and rules adopted by the commissioner.

Sec. 74.153. COST-SHARING PROGRAM REQUIREMENTS. (a) The commissioner may contract to obtain boll weevil eradication services for the state with the entity named under Section 74.1011.

(b) The department may spend money under the cost-sharing program only in a zone in which:

(1) a boll weevil eradication project under this chapter is active; or

(2) boll weevil eradication has been declared complete by the United States Department of Agriculture or its designee.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Duncan moved to concur in the House amendment to **SB 448**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Ratliff.

SENATE BILL 598 WITH HOUSE AMENDMENTS

Senator Duncan called **SB 598** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **SB 598** (Engrossed version) as follows:

(1) In SECTION 2, in Section 147.001(2), Civil Practice and Remedies Code (page 4, line 7), between "damages" and the comma, insert "or other relief".

(2) In SECTION 2, in Section 147.001(5), Civil Practice and Remedies Code (page 4, line 19), between "damages" and the comma, insert "or other relief".

(3) In SECTION 2, in Section 147.082(a), Civil Practice and Remedies Code (page 12, lines 4-7), strike Subdivision (3) and substitute:

(3) state the additional charges, if any, to obtain the cure or correction; and

Floor Amendment No. 2

Amendment to Committee Amendment No. 1 to **SB 598** as follows:

(1) Strike lines 11 and 12 of the amendment and insert in lieu thereof the following:

"(3)(i) in the case of a recent computer product, state that there is no additional charge for the cure or correction and state the amount that will be charged, if any, for delivering and installing the cure or correction, as authorized by Section 147.081(b)(1); or

(ii) in the case of a product or service that is not a recent consumer product, state the amount that will be charged, if any, for the cure or correction, as authorized by Section 147.081(b)(2); and"

Floor Amendment No. 3

Amend **SB 598** as follows:

On page 7, line 2 strike the word "sovereign" and replace with "any".

On page 7, line 3, after the word "state" and before the ".", add "or any employee or officer thereof".

The amendments were read.

Senator Duncan moved to concur in the House amendments to **SB 598**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Ratliff.

SENATE BILL 1509 WITH HOUSE AMENDMENT

Senator Truan called **SB 1509** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Shapiro in Chair, laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1509** as follows:

Strike all below the enacting clause and substitute the following:

SECTION 1. Section 161.236, Natural Resources Code, is amended to read as follows:

Sec. 161.236. NUMBER OF TRACTS PURCHASED. The board may promulgate rules to determine the number of tracts of land that a [No] veteran may purchase [more than one tract of land] under this chapter.

SECTION 2. Section 162.011, Natural Resources Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) The final principal payment on any loan under this chapter shall be made not later than 40 years after the date of the loan. The board shall determine the maximum principal amount of loans to any veteran that may be outstanding at any time, except that amounts allocable to a home mortgage loan may not exceed the maximum amount allowable for a similar home mortgage loan through the United States Department of Veterans Affairs or any successor agency [a loan under this chapter to a veteran to finance the acquisition of a home may not exceed \$45,000].

(f) The board may by rule determine, from time to time, the number of loans that a veteran may receive under this chapter.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Truan moved to concur in the House amendment to **SB 1509**.

The motion prevailed by the following vote: Yeas 28, Nays 0, Present-not voting 1.

Present-not voting: Ogden.

Absent-excused: Luna, Ratliff.

SENATE BILL 1555 WITH HOUSE AMENDMENT

Senator Fraser called **SB 1555** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1555** as follows:

On Page 3, line 8 between "banks" and "rated", delete the word "and".

On Page 4, line 7 between "banks" and "rated", delete the word "and".

On Page 9, line 13 between "banks" and "rated", delete the word "and".

The amendment was read.

Senator Fraser moved to concur in the House amendment to **SB 1555**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Ratliff.

SENATE BILL 710 WITH HOUSE AMENDMENTS

Senator Wentworth called **SB 710** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment No. 4

Amend **SB 710** as follows:

1. On page 7, line 7, strike the word "and";

2. On page 7, line 13, strike the period after the word "area" and insert "; and"

3. On page 7, after line 13, insert the following:

(9) require lot and block monumentation to be set by a registered professional surveyor before recordation of the plat.

Floor Amendment No. 6

Amend **SB 710** (house committee printing) by adding the following appropriately numbered section to read as follows and by renumbering the remaining sections as appropriate:

SECTION __. Section 232.028, Local Government Code, is amended by adding Subsection (g) to read as follows:

(g) The commissioners court may impose a fee for a certificate issued under this section for a subdivision part of which is located in the extraterritorial jurisdiction of a municipality and part of which is not located in the extraterritorial jurisdiction of the municipality. The amount of the fee may not be greater than the amount of the fee imposed by the municipality for a subdivision that is located entirely in the extraterritorial jurisdiction of the municipality for a certificate issued under Section 212.0115. A person who obtains a certificate under this section is not required to obtain a certificate under Section 212.0115.

Amendment No. 1 on Third Reading

Amend **SB 710** on third reading on page 8, line 13, by inserting at the end of the line the phrase "the construction of".

The amendments were read.

On motion of Senator Wentworth, the Senate concurred in the House amendments to **SB 710** by a viva voce vote.

SENATE BILL 1155 WITH HOUSE AMENDMENT

Senator Carona called **SB 1155** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Shapiro in Chair, laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1155** as follows:

(1) by adding the following appropriately numbered sections and renumbering the remaining sections of the bill accordingly:

SECTION __. Sections 2(b) and (e), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), are amended to read as follows:

(b) Prior to August 15 [~~September 1~~], (1) 25 [~~31.5~~] percent of the state ceiling is available exclusively for reservations by issuers of qualified mortgage bonds, (2) 11 [~~13~~] percent of the state ceiling is available exclusively for reservations by issuers of state-voted issues for the purpose of issuing a state-voted issue, (3) 7.5 percent of the state ceiling is available exclusively for reservations by issuers of qualified small issue bonds and tax-exempt enterprise zone facility bonds, (4) 16.5 [~~7.5~~] percent of the state ceiling is available exclusively for reservations by issuers of qualified residential rental project issues; (5) 10.5 [~~11~~] percent of the state ceiling is available exclusively for reservations by issuers of qualified student loan bonds authorized by Section 53.47, Education Code; and (6) 29.5 percent of the state ceiling is available exclusively for reservations by all other issuers of bonds requiring an allocation.

(e) On and after August 15 but before September 1, that portion of the state ceiling available for reservations shall become available for qualified residential rental project issues in the manner described by Section 3(h) of this Act. On and after September 1, that portion of the state ceiling available for reservations shall become available to any issuer for any bonds requiring an allocation, subject to the provisions of Section 3 of this Act.

SECTION __. Section 3, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended by adding Subsections (h) and (i) to read as follows:

(h) First priority for any reservations by issuers of qualified residential rental project issues is given to projects in which 100 percent of the residential units in the projects are under the restriction that the maximum allowable rents are 30 percent of 50 percent of the area median family income minus an allowance for utility costs authorized under the federal low-income housing tax credit program. Second priority is given to projects in which 100 percent of the residential units in the projects are

under the restriction that the maximum allowable rents are 30 percent of 60 percent of the area median family income minus an allowance for utility costs authorized under the federal low-income housing tax credit program. Third priority is given to any other qualified residential rental project.

(i) The board may not reserve a portion of the state ceiling for a first or second priority project described by Subsection (h) of this section unless the board receives evidence that an application has been filed with the Texas Department of Housing and Community Affairs for the low-income housing tax credit that is available for multifamily transactions that are at least 51 percent financed by tax-exempt private activity bonds.

SECTION __. Section 7(d), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), is amended to read as follows:

(d) Not later than the fifth business day after the day on which the bonds are closed, the issuer shall submit to the board:

(1) a written notice stating the delivery date of the bonds and the principal amount of the bonds issued; ~~and~~]

(2) if the project is a first or second priority project described by Section 3(h) of this Act, evidence from the Texas Department of Housing and Community Affairs that an award of low-income housing tax credits has been approved for the project; and

(3) a certified copy of the document authorizing the bonds and other documents relating to the issuance of the bonds, including a statement of the bond's [bonds]:

- (A) principal amount;
- (B) interest rate or formula by which the interest rate is calculated;
- (C) maturity schedule; and
- (D) purchaser or purchasers.

(2) on page 3, strike line 16 and substitute the following:

"(b) Section 2 of this Act and the sections of this Act amending Sections 2(b) and (e), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), Section 3, Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), and Section 7(d), Chapter 1092, Acts of the 70th Legislature, Regular Session, 1987 (Article 5190.9a, Vernon's Texas Civil Statutes), take effect January 1, 2000."

The amendment was read.

Senator Carona moved to concur in the House amendment to **SB 1155**.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Luna, Ratliff.

(Senator Lucio in Chair)

**SENATE RULE 11.18 SUSPENDED
(Posting Rule)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Criminal Justice might consider the following bills today: **HB 1162, HB 1603**.

**NOTICE GIVEN FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that a Local and Uncontested Calendar had been furnished to each Member of the Senate. He then gave notice that the Local and Uncontested Calendar Session would be held at 8:30 a.m. tomorrow and that all bills and resolutions would be considered on second and third reading in the order in which they were listed.

MOTION TO ADJOURN

On motion of Senator Truan and by unanimous consent, the Senate at 12:55 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, in memory of Pauline Allison of Mount Pleasant, until 10:00 a.m. tomorrow.

MEMORIAL RESOLUTIONS

SR 846 - by Shapleigh: In memory of Harry L. Hussmann III of El Paso.

SR 853 - by Luna: In memory of Isaura Saenz of San Antonio.

CONGRATULATORY RESOLUTIONS

SR 849 - by Barrientos: Congratulating the mentors from the law firm of Bracewell and Patterson in Austin and their sixth-grade students.

SR 850 - by Barrientos: Congratulating Julia Jefferies Rathgeber of Austin.

SR 852 - by Madla: Congratulating El Centro del Barrio of Bexar County.

SR 854 - by Luna: Congratulating George W. "Bill" Shively, Jr., of San Antonio.

SR 855 - by Luna: Congratulating Gary West of San Antonio.

SR 856 - by Duncan: Congratulating the Junior League of Odessa, Incorporated.

SR 857 - by Jackson: Congratulating Stacy L. Garvin of Lorena.

HCR 183 - (Moncrief): Congratulating Carolyn Wills on being named an Outstanding Teacher.

HCR 184 - (Moncrief): Congratulating Gillian Hall on being named an Outstanding Teacher.

HCR 185 - (Moncrief): Congratulating Donna Hood on being named an Outstanding Teacher.

HCR 186 - (Moncrief): Congratulating Carleta Scott on being named an Outstanding Teacher.

HCR 187 - (Moncrief): Congratulating Pamela Lowe on being named an Outstanding Teacher.

HCR 188 - (Moncrief): Congratulating Shirley Hucaby on being named an Outstanding Teacher.

HCR 189 - (Moncrief): Congratulating Doris Hill on being named an Outstanding Teacher.

HCR 190 - (Moncrief): Honoring the participants of the crime and violence summit, "Facing the Challenges."

HCR 191 - (Moncrief): Honoring Carter Metropolitan CME Church's "Men of Quality."

HCR 193 - (Moncrief): Congratulating Susan Earl on being named an Outstanding Teacher.

HCR 194 - (Moncrief): Honoring Coach Lee Williams and the 1998 UIL Class 5A state track champions of O. D. Wyatt High School.

HCR 195 - (Moncrief): Congratulating Glenda Gibson on being named an Outstanding Teacher.

HCR 196 - (Moncrief): Congratulating Willie Green on being named an Outstanding Teacher.

HCR 197 - (Moncrief): Congratulating Gerald Judd on being named an Outstanding Teacher.

HCR 198 - (Moncrief): Congratulating Gloria Nelson on being named an Outstanding Teacher.

HCR 199 - (Moncrief): Congratulating Shirley Johnson on being named an Outstanding Teacher.

HCR 200 - (Moncrief): Congratulating Kathy Cash on being named an Outstanding Teacher.

HCR 201 - (Moncrief): Congratulating Ernestine Rose on being named an Outstanding Teacher.

HCR 202 - (Moncrief): Congratulating Willie B. Jones on being named an Outstanding Teacher.

HCR 247 - (Moncrief): Congratulating Leroy Walker on being named an Outstanding Teacher.

HCR 250 - (Moncrief): Honoring Lucille Presswood and Carter Metropolitan CME Church's Stewardship Committee.

MISCELLANEOUS RESOLUTIONS

SR 858 - by Wentworth: Recognizing May 2-8, 1999, as Brain Tumor Awareness Week.

HCR 251 - (Moncrief): Recognizing June 1-7, 1999, as National Drug Court Week.

RECESS

On motion of Senator Truan, the Senate at 12:56 p.m. recessed until 8:30 a.m. tomorrow for the Local and Uncontested Calendar Session.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

May 5, 1999

ADMINISTRATION — **HB 3157** (Ordered Not Printed), **HCR 115**

JURISPRUDENCE — **CSHB 819**, **CSSB 915**

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — **CSSB 313**,
CSHB 670, **HCR 102**, **HCR 133**

JURISPRUDENCE — **CSHB 1411**, **CSHB 1622**, **HB 1462** (Amended), **CSSB 920**

FINANCE — **HB 81**, **HB 579**, **HB 871**, **HB 1520**, **HB 1978**, **HB 2067**, **HB 2406**

ADMINISTRATION — **HB 1196** (Amended), **HB 3155** (Amended, Ordered Not Printed)

NATURAL RESOURCES — **SB 1855**, **HB 2631**, **HB 340**, **HB 3561**, **HB 794**,
HB 2809, **HB 732**, **HB 1625**, **HB 1574**, **HB 1732**, **HB 3568**, **HB 1581**

ECONOMIC DEVELOPMENT — **CSHB 341**, **CSHB 2061**

HEALTH SERVICES — **HB 1838**, **HB 1677**, **HB 2827**

STATE AFFAIRS — **CSSB 1353**

JURISPRUDENCE — **CSHB 2846**, **HB 2353** (Amended), **HB 662** (Amended),
CSHB 381

ECONOMIC DEVELOPMENT — **CSHB 504**, **HB 744**, **HB 1376**, **HB 1707**,
HB 2176