

SEVENTY-NINTH DAY

WEDNESDAY, MAY 26, 1999

PROCEEDINGS

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

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, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Luna.

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

The Reverend Robert G. Bruce, First Presbyterian Church, Austin, accompanied by his wife, Laurie, offered the invocation as follows:

"Be Thou my vision, O Lord of my heart; nought be all else to me, save that Thou art." Lord God, as we gather we ask for a vision of You. Let our lives be so centered on Your divine sovereignty, on Your grace and goodness, that our lives will be shaped by Your vision of "peace on earth, good will to all." In Your spirit we pray for the people of our cities and towns and countryside—all of them, red and yellow, black and white, are precious in Your sight. May what we do as a Senate promote that vision of our state and people.

"Be Thou my wisdom and Thou my true word; I ever with Thee and Thou with me, Lord." O God, in the end all of life will be measured by servanthood, by the measure in which we did or did not serve the least of our brothers and sisters. Give us wisdom for the living of these days that in the end it may be said of our public service "well done, good and faithful servant."

"Riches I heed not, nor vain empty praise, Thou mine inheritance, now and always." O God, we confess before You that too often our lives and decisions are determined by money and status. This is simply the way it is for us in our culture. Now, we pray for the grace to know that our true inheritance is borne of integrity and compassion and statesmanship. Lead us down that path.

"Thou my best thought, by day or by night, waking or sleeping, Thy presence my light." Now, O Lord, on this day 26, May, enable us so to take pleasure in the simple realities of speech and compromise, of brother and sister, of frustration and laughter, of coffee and bread, of sunshine and

barking dog, of waking and sleeping, that amid the common run of life we may rejoice in one another and in You. O God, be our best thought, Thy presence, our light. 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.

LEAVE OF ABSENCE

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

SENATE CONCURRENT RESOLUTION 85

On motion of Senator Brown and by unanimous consent, all necessary rules were suspended to take up for consideration the following resolution:

WHEREAS, The 123-year-old Texas Constitution is a lengthy document that contains many provisions that are duplicative, obsolete, archaic, and ineffective; and

WHEREAS, A revision of the constitution would clarify, modernize, and simplify the document, allowing state government to operate more efficiently for the people of Texas; and

WHEREAS, The public is deeply interested in any proposed changes to the constitution, and a detailed study should be given to each article by members of the legislature to ensure that all changes are in the best interest of the people of Texas; now, therefore, be it

RESOLVED, That the 76th Legislature of the State of Texas hereby create a joint interim legislative study committee on constitutional revision; and, be it further

RESOLVED, That the joint committee be composed of 10 members including four members of the senate appointed by the lieutenant governor, four members of the house of representatives appointed by the speaker of the house of representatives, one public member appointed by the lieutenant governor, and one public member appointed by the speaker of the house of representatives; and, be it further

RESOLVED, That each member of the joint committee serve a term beginning on the date of the member's appointment and ending with the convening of the next regular session of the legislature that occurs after the date of appointment; a vacancy on the committee shall be filled by the officer who appointed the member who vacated the position; and, be it further

RESOLVED, That the lieutenant governor shall designate a member of the joint committee as the chair and the speaker of the house of representatives shall designate a member as the vice chair; and, be it further

RESOLVED, That the joint committee shall hold meetings and public hearings at the call of the chair, employ staff, and procure goods and services as needed to further the work of the committee; and, be it further

RESOLVED, That the Texas Legislative Council, the senate, and the house of representatives be authorized to provide staff support to the joint committee on the request of the committee; and, be it further

RESOLVED, That the joint committee have authority to issue process as provided in Sections 301.024 through 301.027, Government Code, and that the committee, except as modified by or pursuant to this resolution, have all other powers and duties provided to special committees by Subchapter B, Chapter 301, Government Code, and the Senate and House Rules of Procedure; and, be it further

RESOLVED, That the joint committee members be reimbursed for their necessary expenses incurred in performing committee duties, subject to any limit provided by the General Appropriations Act; and, be it further

RESOLVED, That the joint committee conduct a comprehensive study of the Texas Constitution and recommend revisions to the constitution the committee considers appropriate to:

- (1) repeal, eliminate, or revise obsolete or ineffective provisions;
- (2) standardize and modernize the document's organization and terminology;
- (3) clarify ambiguous or imprecise provisions; or
- (4) change state law or state policy; and, be it further

RESOLVED, That the joint committee, in performing its study and formulating its recommendations during the period preceding the committee's report in 2000, consider the matters covered by Articles I, VI, XVI, and XVII of the current constitution; and, be it further

RESOLVED, That it is desirable that subsequent legislatures renew the authorization of the joint interim legislative study committee on constitutional revision to enable the legislature to address and study issues that remain unresolved on sine die adjournment or that emerge subsequent to adjournment; it would be beneficial for such a committee, in performing its study and formulating its recommendations, to first consider the matters covered by Articles II, III, IV, V, IX, X, XIV, and XV of the current constitution and then consider the matters covered by Articles VII, VIII, XI, and XII; and, be it further

RESOLVED, That the preceding clauses not prohibit the joint committee from considering any matter covered by any article of the current constitution at any time; and, be it further

RESOLVED, That not later than December 1, 2000, the joint committee prepare and deliver to the governor, the lieutenant governor, and the speaker of the house of representatives a report of its activities and recommendations; the report may include specific proposals for amending or revising the constitution, including drafts of proposed amendments or revisions, and any explanatory or supporting materials and may present alternative proposals on any matter; and, be it further

RESOLVED, That the joint committee be authorized to make any additional reports the committee considers appropriate; and, be it further

RESOLVED, That a report may include minority recommendations or dissenting statements relating to the joint committee's recommendations; and, be it further

RESOLVED, That copies of the reports shall be filed in the Legislative Reference Library, with the Texas Legislative Council, with the secretary of the senate, and with the chief clerk of the house of representatives.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

SENATE RESOLUTION 1088

On motion of Senator Carona and by unanimous consent, all necessary rules were suspended to take up for consideration the following resolution:

WHEREAS, The federal Tax Reform Act of 1986 placed a unified volume cap on the issuance of most private activity debt by states and local governments; in more populated states such as Texas, the effective cap is \$50 per capita; and

WHEREAS, The bond cap has since remained constant in the face of intervening inflation, and consequently its purchasing power has eroded by more than 30 percent, hindering the state's ability to invest in its communities and to create jobs; and

WHEREAS, A pressing need in Texas is affordable housing; the state currently allocates approximately \$314 million of its cap to single-family housing and targets another \$74 million for multi-family housing; and

WHEREAS, Demand for affordable housing is greater than ever; more than 1.9 million Texas families will need some form of housing assistance within the next year, a number that can only increase as the state's population grows and the available housing stock diminishes; and

WHEREAS, The United States Congress in the Taxpayer Relief Act of 1998 has consented to a 50 percent bond cap increase, raising the per capita limit to \$75, but that increase is phased in over five years, delaying its full usefulness for close to a decade; and

WHEREAS, Two proposed congressional measures, S. 459 and H.R. 864, each styled the State and Local Investment Opportunities Act of 1999, would raise the per capita bond cap immediately from \$50 to \$75 and lend a timely helping hand to the many Texans who seek affordable housing; now, therefore, be it

RESOLVED, That the Senate of the 76th Texas Legislature hereby respectfully urge the Congress of the United States to support legislation providing for an immediate increase of the per capita tax-exempt private activity bond cap; and, be it further

RESOLVED, That the secretary of the senate forward official copies of this resolution to the president of the United States, to the president of the senate and the speaker of the house of representatives of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

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

SENATE RESOLUTION 1106

On motion of Senator Carona and by unanimous consent, all necessary rules were suspended to take up for consideration the following resolution:

WHEREAS, The United States Congress has established the State Criminal Alien Assistance Program (SCAAP) to provide federal assistance to states and localities for costs incurred for the imprisonment of undocumented aliens who commit criminal offenses; and

WHEREAS, The SCAAP program, which is administered by the United States Department of Justice, has a funding level authorized by statute of \$650 million per year; actual SCAAP funding for the 1999 fiscal year, however, is only \$585 million, an amount that provides state and local governments a mere 30 percent of their total reimbursable costs; and

WHEREAS, The amount of money spent in Texas by local and state governmental agencies related to incarceration of undocumented aliens charged or convicted with criminal offenses ranks as the third highest in the nation; and

WHEREAS, Although full funding of the SCAAP program to the \$650 million level will not decrease the total number of undocumented aliens held in state or county facilities, increased funding will raise the level of costs reimbursed by the federal government to approximately 40 percent of the costs for incarceration of these prisoners; now, therefore, be it

RESOLVED, That the Senate of the 76th Texas Legislature hereby respectfully request the Congress of the United States to fully fund the State Criminal Alien Assistance Program at the authorized level of \$650 million; and, be it further

RESOLVED, That the secretary of the senate forward official copies of this resolution to the president of the United States, to the president of the senate and the speaker of the house of representatives of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

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

SENATE RESOLUTION 1109

Senator West offered the following resolution:

BE IT RESOLVED by the Senate of the State of Texas, 76th Legislature, Regular Session, 1999, That Senate Rule 12.03 is suspended, as provided by Senate Rule 12.08, to enable the conference committee appointed to resolve the differences between the house and senate versions of **HB 1865**, relating to the operations of the Texas Emancipation Juneteenth Cultural and Historical Commission, to consider and take action on the following matters:

Senate Rule 12.03(2) is suspended to permit the committee to omit from the bill the text of the added Section 448.0325, Government Code, which reads as follows:

Sec. 448.0325. CONTRACT WITH NONPROFIT ORGANIZATION. The commission by contract may provide money to a nonprofit organization that has as one of its primary functions the promotion of Juneteenth. The contract must ensure that the nonprofit organization provides services or goods that accomplish a public purpose of the commission.

Explanation: This change is needed to remove an unnecessary provision.

The resolution was read and was adopted by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

May 26, 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:

SB 15, Relating to the penalty for certain offenses concerning the sale of cigarettes.

SB 16, Relating to the participation of local law enforcement agencies in the enforcement of certain restrictions on the sale of tobacco products.

SB 17, Relating to certain hearings held with respect to conduct relating to the distribution or marketing of cigarettes or tobacco products.

SB 56, Relating to abatement of common nuisances.

SB 73, Relating to the establishment of a video teleconferencing pilot program to assist certain businesses in establishing international trade relationships.
(Committee Substitute)

SB 77, Relating to the making of international cooperation agreements by state agencies and political subdivisions; authorizing the issuance of bonds.

SB 81, Relating to qualifications for instructors of classroom driver education in driver education schools.

SB 89, Relating to municipal annexation; providing penalties.
(Committee Substitute/Amended)

SB 100, Relating to the design of a quarter dollar coin commemorating the State of Texas.
(Committee Substitute)

SB 103, Relating to state assessments of public school students.
(Committee Substitute/Amended)

SB 133, Relating to the offense of retaining of lightning whelks caught in shrimp trawls.

SB 210, Relating to directing certain higher education research programs to address environmental issues affecting the Texas-Mexico border region.

SB 230, Relating to a uniform written jury summons.
(Amended)

SB 247, Relating to defense and pretrial information gathering standards for indigent people who are accused of crime.

SB 261, Relating to facilities and functions of facilities under the jurisdiction of the Texas Department of Mental Health and Mental Retardation.
(Committee Substitute)

SB 313, Relating to the number of authorized defense projects within a defense readjustment zone.

SB 321, Relating to collection of attorney's fees in certain contract actions.

SB 323, Relating to the types of insurance covered by the program to assist persons in obtaining residential property insurance in underserved areas.

SB 332, Relating to authorizing institutions of higher education to impose a fee to support Washington, D.C., internships and abolishing the Texas-Washington, D.C., Intern Scholarship Program.

SB 335, Relating to a disqualification for receipt of unemployment compensation benefits for a benefit period in which the applicant for benefits works full-time.
(Committee Substitute)

SB 339, Relating to the regulation of mass gatherings; imposing a penalty.
(Committee Substitute)

SB 340, Relating to the conveyance of property by a municipality to a municipally created development corporation.

SB 382, Relating to the requirements for state agency orders adopting rules and substantial compliance with rulemaking requirements.
(Amended)

SB 396, Relating to authorizing the conveyance of certain state property located in Howard and Tarrant counties.
(Committee Substitute)

SB 420, Relating to certain contracts for inmate labor and to criminal and administrative consequences for inmates who gain access to certain information while performing inmate labor.

SB 429, Relating to participation in, contributions to, and benefits and administration of retirement systems for police officers in certain municipalities.

SB 435, Relating to the deadline for the adoption of an optional exemption from ad valorem taxation on residence homesteads.

SB 436, Relating to a disclosure required in certain offers by mail to purchase mineral or royalty interests.

SB 440, Relating to the review of the Texas Funeral Service Commission under the Texas Sunset Act.

SB 481, Relating to the purchase of library materials by certain institutions of higher education with constitutional funds.

SB 524, Relating to certain disciplinary actions of the State Board of Dental Examiners and to public disclosure of such actions.

SB 525, Relating to compensation and benefits for members of the state military forces and their dependents.
(Amended)

SB 526, Relating to providing tuition payment assistance to certain members of the state military forces attending public or private institutions of higher education.

SB 530, Relating to the premium tax on certain life, health, and accident insurance policies.

SB 539, Relating to the transportation of certain persons requiring treatment for mental illness.
(Amended)

SB 556, Relating to referrals to occupational therapists.

SB 558, Relating to training requirements for certain child-care providers.
(Amended)

SB 560, Relating to the regulation of telecommunications utilities by the Public Utility Commission of Texas and the provision of telecommunications services.
(Committee Substitute/Amended)

SB 562, Relating to student center fees charged at Texas Tech University.
(Committee Substitute)

SB 578, Relating to the reporting of certain convictions to the Texas Department of Public Safety for the purposes of the suspension of the defendants' driver's licenses.

SB 579, Relating to the collection of court costs in a forfeiture proceeding.

SB 655, Relating to the creation of a defense base development authority; validating certain acts of a defense base development corporation; granting the right to issue bonds.
(Committee Substitute)

SB 658, Relating to the dates by which regional and state water plans must be adopted.

SB 686, Relating to a child support lien.

SB 688, Relating to declaring a junked motor vehicle a nuisance.

SB 705, Relating to providing aid, support, and assistance to agriculture; establishing the agricultural technology program.
(Committee Substitute/Amended)

SB 709, Relating to development regulations for certain unincorporated areas located in the watershed of Lake Granbury and the Brazos River; providing a penalty.
(Committee Substitute)

SB 753, Relating to the application of the open meetings law to certain nonprofit health maintenance organizations.

SB 754, Relating to the issuance of special license plates in honor of the citrus industry in Texas.
(Amended)

SB 804, Relating to developing a standard format for protective orders.

SB 840, Relating to the automatic expunction of certain arrest records.
(Amended)

SB 844, Relating to the enforcement of weight limits for motor vehicles by weight enforcement officers.
(Amended)

SB 848, Relating to the use of a scholarship fund for fifth-year accounting students.

SB 858, Relating to written notice to certain parents of a public school student's unsatisfactory performance.

SB 868, Relating to the treatment of the limitation on increases in the appraised value of a residence homestead in the determination of school district property values by the comptroller of public accounts.

SB 873, Relating to the regulation of aquaculture.
(Amended)

SB 896, Relating to municipal participation in contracted developer cost.
(Amended)

SB 901, Relating to dividends payable to policyholders under certain group insurance programs.

SB 931, Relating to the support of graduate pharmacy education and resident pharmacists.

SB 939, Relating to the safe use and regulation of fireworks.

SB 941, Relating to the authority of mental health professionals to form certain jointly owned entities.

SB 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.
(Committee Substitute)

SB 959, Relating to the law relating to architectural barriers.

SB 967, Relating to creating a registry for acts of misconduct for and criminal background checks on certain employees of certain health care facilities that are licensed or certified by or that contract with the state.
(Committee Substitute)

SB 983, Relating to a branch office of a home health or personal assistance services agency.
(Amended)

SB 993, Relating to the ability of children of disabled firemen and peace officers to use an exemption from tuition and fees charged by a public institution of higher education at successive institutions.

SB 996, Relating to funeral expenses for children in foster care.
(Committee Substitute/Amended)

SB 997, Relating to fees for certain veteran special license plates.

SB 1031, Relating to weight standards for loaves of bread.
(Committee Substitute)

SB 1034, Relating to the authority of a court of appeals to purchase or acquire liability insurance.

SB 1070, Relating to the creation of an administrative penalty for certain violations relating to the production of oil and gas.

SB 1092, Relating to the creation of a development corporation for spaceport facilities; granting the power of eminent domain and the right to issue bonds.

SB 1099, Relating to excavation operations of employees of the Texas Department of Transportation.

SB 1131, Relating to advanced practice nurses and physician assistants; providing penalties.
(Amended)

SB 1133, Relating to the procurement by a governmental entity of certain professional services.
(Committee Substitute)

SB 1157, Relating to the reporting of certain convictions to the Department of Public Safety of the State of Texas.

SB 1176, Relating to the issuance of special license plates in honor of the YMCA in Texas.

SB 1180, Relating to certain duties of county bail bond boards.

SB 1184, Relating to the activities permitted under certain liquefied petroleum gas licenses.

SB 1195, Relating to retainage on certain highway contracts.
(Committee Substitute)

SB 1215, Relating to the release of confidential information obtained in connection with certain presentence investigations and postsentence reports.

SB 1261, Relating to the appointment of faculty members to certain curriculum advisory committees of the Texas Higher Education Coordinating Board and to the development of field of study curricula by the board.
(Amended)

SB 1287, Relating to housing loans to low-income families.
(Amended)

SB 1294, Relating to billing medical patients.

SB 1297, Relating to registering pipeline operators with the Railroad Commission of Texas.

SB 1301, Relating to water conservation measures required in a county during a declared drought disaster.

SB 1304, Relating to the control of aflatoxin.

SB 1323, Relating to requiring certain plats for the subdivision of land to include proof of groundwater supply.

SB 1363, Relating to the acquisition of library materials by a junior college district.

SB 1434, Relating to the retention or refund of certain money collected or received by a state agency.

SB 1438, Relating to a pilot project transferring certain professional and occupational licensing boards to self-directed semi-independent status; making an appropriation.

(Amended)

SB 1443, Relating to the application of municipal zoning authority to certain private property.

SB 1447, Relating to the requirements for identifying former municipal landfills and notifying the owners of the overlying property.

SB 1451, Relating to the disposition of surplus and salvage property of certain institutions of higher education.

(Committee Substitute)

SB 1472, Relating to the age at which a student may take the high school equivalency examination and the age of compulsory attendance in public school.

SB 1477, Relating to requiring certified food managers in certain counties.

(Amended)

SB 1486, Relating to an audit of the proceeds of criminal asset forfeitures.

SB 1520, Relating to the authority of certain cities, counties, districts, authorities, agencies, and nonprofit corporations to enter into lease-leaseback transactions.

(Committee Substitute)

SB 1563, Relating to establishing customer service standards and performance measures for state agencies.

(Amended)

SB 1576, Relating to notifying local law enforcement officials of the release of certain gang members from the institutional division of the Texas Department of Criminal Justice.

SB 1579, Relating to the creation of the offense of soliciting membership in a criminal street gang.

(Amended)

SB 1586, Relating to the establishment of a program in which vouchers are used for payment of certain services provided to persons with disabilities.

SB 1588, Relating to fraud control procedures for the Medicaid managed care program.

(Committee Substitute)

SB 1589, Relating to fraudulent claims for medical or health care benefits submitted under certain state programs.

SB 1610, Relating to insurance credit for the use of compressed air foam technology in fire-fighting equipment.

SB 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.

SB 1628, Relating to the operation of the Muenster Hospital District.

SB 1641, Relating to the appraisal of property for ad valorem tax purposes.

SB 1656, Relating to creating a recognition day on February 19 in honor of Texas joining the Union.

SB 1657, Relating to the compensation of an officer, trustee, or director of a domestic insurance company.

SB 1676, Relating to the ingredients used in the production of alcoholic beverages.

SB 1730, Relating to contracts between commissioners courts and private vendors for certain corrections facilities.

SB 1742, Relating to certain proceedings in a foreclosure action.

SB 1747, Relating to the funding of the Seaborne Conservation Corps or a similar program at Texas A&M University at Galveston.

SB 1780, Relating to the creation of the high priority program fund to support vocational and technical education.

SB 1784, Relating to school district use of community-based dropout recovery education programs to provide alternative education programs for certain students. (Committee Substitute)

SB 1789, Relating to the duties and authority of the Crime Stoppers Advisory Council; providing a criminal penalty. (Amended)

SB 1804, Relating to the calculation of the rollback tax rate of a taxing unit in certain circumstances. (Committee Substitute)

SB 1807, Relating to the administration, powers, including taxing powers, operations, and financing of the Town Center Improvement District of Montgomery County, Texas.

SB 1819, Relating to the identification of technical education programs that are needed to maintain and improve the state's economic and technological competitiveness.

SB 1822, Relating to the creation, administration, powers, duties, operations, and financing of Horseshoe Bay Water Control and Improvement District No. 1, Horseshoe Bay Water Control and Improvement District No. 2, and Horseshoe Bay Water Control and Improvement District No. 3; granting authority for taxation and bonds and the power of eminent domain.

SB 1853, Relating to reports on the degree, certificate, or other enrollment status of public junior college students.

SB 1855, Relating to the creation, administration, powers, duties, functions, operations, and financing of the Tarkington Special Utility District; granting the power of eminent domain and the authority to issue bonds; authorizing a tax. (Amended)

SB 1870, Relating to the duty of the Stamford Hospital District to provide for the payment of debts and obligations prior to its dissolution.

SCR 6, Requesting the governor, lieutenant governor, and speaker of the house to establish a Blue Ribbon Task Force to study the uninsured issue. (Amended)

SCR 7, Memorializing Congress to provide lifetime healthcare for military retirees over the age of 65.

SCR 21, Directing the Office of Court Administration to report to the Legislature on costs of filing multi-party lawsuits.

SCR 34, Supporting the Texas Lone Star Chapter of the Korean War Veterans Association in their efforts to clarify that the Korean War was a war, not a conflict.

SCR 37, Creating a special committee to designate two Poets Laureate for the State of Texas to serve a term of one year.

SCR 38, Showing the Legislature's support for the renewal of the McGregor Range Military Land Withdrawal (P.L. 99-606).

SCR 52, Designating Clifton, Texas, as the Norwegian Capital of Texas.

SCR 68, Creating a interim study committee to coordinate emergency efforts during floods and other natural disasters. (Amended)

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

REPORT OF COMMITTEE ON NOMINATIONS

Senator Wentworth submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

Members, Texas Board of Physical Therapy Examiners: Mark George Cowart, Ector County; Mary R. Daulong, Harris County; Cynthia Fisher, El Paso County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Wentworth gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

CAPITOL PHYSICIAN

Senator Nelson was recognized and presented Dr. Justin Bartos of Keller as the "Doctor for the Day."

The Senate welcomed Dr. Bartos and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

CONCLUSION OF MORNING CALL

The President Pro Tempore at 10:33 a.m. announced the conclusion of morning call.

HOUSE BILL 2954 ON SECOND READING

On motion of Senator Brown 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 third reading:

HB 2954, Relating to the application of the sunset review process to certain state agencies.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2954** by striking all below the enacting clause and substituting the following:

ARTICLE 1. AGENCIES GIVEN 2001 SUNSET DATE

SECTION 1.01. TEXAS FUNERAL SERVICE COMMISSION. Subsection N, Section 2, Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4582b, Vernon's Texas Civil Statutes), is amended to read as follows:

N. The Texas Funeral Service Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this Act expires September 1, 2001 [~~2003~~].

SECTION 1.02. GENERAL SERVICES COMMISSION. Section 2152.002, Government Code, is amended to read as follows:

Sec. 2152.002. SUNSET PROVISION. The General Services Commission is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this subtitle expires September 1, 2001 [~~2003~~].

ARTICLE 2. AGENCIES GIVEN 2003 SUNSET DATE

SECTION 2.01. TEXAS DEPARTMENT OF HUMAN SERVICES. Section 21.002, Human Resources Code, is amended to read as follows:

Sec. 21.002. SUNSET PROVISION. The Texas Department of Human Services is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this title expires September 1, 2003 [~~1999~~], except that Chapter 40 expires as provided by Section 40.003.

SECTION 2.02. METROPOLITAN RAPID TRANSIT AUTHORITIES. Section 451.453, Transportation Code, is amended to read as follows:

Sec. 451.453. REVIEW BY SUNSET ADVISORY COMMISSION. Each authority that has been confirmed, other than an authority that was confirmed before 1980 in which the principal municipality has a population of less than 1.2 million, is subject ~~[every 12th year]~~ to review under Chapter 325, Government Code (Texas Sunset Act), but is not abolished under that chapter. Each authority shall be reviewed during the period in which state agencies abolished in 2003 and every 12th year after that year are reviewed.

SECTION 2.03. PUBLIC UTILITY COMMISSION OF TEXAS. Section 12.005, Utilities Code, is amended to read as follows:

Sec. 12.005. APPLICATION OF SUNSET ACT. The Public Utility Commission of Texas is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the commission is abolished and this title expires September 1, 2003 ~~[2004]~~.

SECTION 2.04. OFFICE OF PUBLIC UTILITY COUNSEL. Section 13.002, Utilities Code, is amended to read as follows:

Sec. 13.002. APPLICATION OF SUNSET ACT. The Office of Public Utility Counsel is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the office is abolished and this chapter expires September 1, 2003 ~~[2004]~~.

ARTICLE 3. AGENCIES GIVEN 2007 SUNSET DATE

SECTION 3.01. TEXAS-ISRAEL EXCHANGE FUND BOARD. Section 45.006(i), Agriculture Code, is amended to read as follows:

(i) The board is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2007 ~~[2004]~~.

SECTION 3.02. OFFICIAL COTTON GROWERS' BOLL WEEVIL ERADICATION FOUNDATION. Section 74.127(a), Agriculture Code, is amended to read as follows:

(a) The board of directors of the official cotton growers' boll weevil eradication foundation is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this subchapter expires September 1, 2007 ~~[2003]~~.

ARTICLE 4. AGENCIES GIVEN 1999 SUNSET DATE

SECTION 4.01. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY. Section 402.012, Health and Safety Code, is amended to read as follows:

Sec. 402.012. SUNSET PROVISION. The Texas Low-Level Radioactive Waste Disposal Authority is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the authority is abolished and this chapter expires September 1, 1999 ~~[2004]~~.

ARTICLE 5. AGENCIES REMOVED FROM SUNSET REVIEW

SECTION 5.01. The following provisions in the Government Code are repealed:

- (1) Section 42.006 (Office of the State Prosecuting Attorney);
- (2) Section 71.002 (Texas Judicial Council);
- (3) Section 91.008 (State Law Library); and
- (4) Section 405.002 (Office of the Secretary of State).

ARTICLE 6. MISCELLANEOUS PROVISIONS

SECTION 6.01. PARKS AND WILDLIFE DEPARTMENT. In its review of the Parks and Wildlife Department for the 77th Legislature, the Sunset Advisory

Commission shall include a review of appropriate sources of dedicated funding for financing the programs administered by the department. The Sunset Advisory Commission shall consider the results of the review in developing its recommendations to the 77th Legislature.

SECTION 6.02. TEXAS WATER DEVELOPMENT BOARD; TEXAS NATURAL RESOURCE CONSERVATION COMMISSION. If the Sunset Advisory Commission includes a study of groundwater districts in its review of the Texas Water Development Board or the Texas Natural Resource Conservation Commission for the 77th Legislature, to minimize duplication the commission shall closely coordinate with any interim legislative committees also studying groundwater districts.

SECTION 6.03. TEXAS FUNERAL SERVICE COMMISSION. The section of this Act that amends Subsection N, Section 2, Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4582b, Vernon's Texas Civil Statutes), takes effect only if the 76th Legislature, Regular Session, 1999, does not enact other legislation that becomes law and that amends Subsection A, Section 2, Chapter 251, Acts of the 53rd Legislature, Regular Session, 1953 (Article 4582b, Vernon's Texas Civil Statutes), to change the membership of the Texas Funeral Service Commission.

SECTION 6.04. PUBLIC UTILITY COMMISSION OF TEXAS. The section of this Act that amends Section 12.005, Utilities Code, takes effect only if the 76th Legislature, Regular Session, 1999, does not enact other legislation that becomes law and that amends Section 12.005, Utilities Code, to extend the sunset date of the Public Utility Commission of Texas.

SECTION 6.05. OFFICE OF PUBLIC UTILITY COUNSEL. The section of this Act that amends Section 13.002, Utilities Code, takes effect only if the 76th Legislature, Regular Session, 1999, does not enact other legislation that becomes law and that amends Section 13.002, Utilities Code, to extend the sunset date of the Office of Public Utility Counsel.

SECTION 6.06. TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY. The section of this Act that amends Section 402.012, Health and Safety Code, takes effect only if the 76th Legislature, Regular Session, 1999, does not enact other legislation that becomes law and that amends Section 402.012, Health and Safety Code, to change the sunset date of the Texas Low-Level Radioactive Waste Disposal Authority.

ARTICLE 7. EFFECTIVE DATE; EMERGENCY

SECTION 7.01. EFFECTIVE DATE. Except as otherwise provided by this Act, this Act takes effect September 1, 1999.

SECTION 7.02. EMERGENCY. 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.

Senator Brown offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **HB 2954** by adding the following new section and renumber the subsequent sections appropriately:

SECTION ____ PROCEDURE AFTER TERMINATION. Section 325.017(a) and Section 325.017(b), Government Code, do not apply to the Texas Low-Level Radioactive Waste Disposal Authority if Section 4.01 of this Act takes effect.

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Senator Duncan offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 to **HB 2954** as follows:

(1) In Article 3 of the floor substitute, add SECTION 3.03 to read as follows:
SECTION 3.03. CHILDREN'S TRUST FUND OF TEXAS COUNCIL.
Section 74.011, Human Resources Code, is amended to read as follows:

Sec. 74.011. SUNSET PROVISION. The Children's Trust Fund of Texas Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2007 [~~1999~~].

(2) In Article 6 of the floor substitute, add SECTION 6.07 to read as follows:
SECTION 6.07. CHILDREN'S TRUST FUND OF TEXAS COUNCIL.
(a) During the period in which the Sunset Advisory Commission performs its duties as required by Chapter 325, Government Code, preparing for a report to the 77th Legislature, the Children's Trust Fund of Texas Council is subject to a special-purpose review. In the review, the Sunset Advisory Commission shall:

(1) determine whether the council has improved its management efforts, reduced administrative costs, and improved its working relationship with other state agencies;

(2) monitor the council's efforts to comply with directives or requirements imposed on the council by the 76th Legislature, Regular Session, 1999; and

(3) perform any other analyses that the commission determines are appropriate.

(b) To the extent Chapter 325, Government Code, imposes a duty on a state agency under review, the Children's Trust Fund of Texas Council shall comply with that duty. The council shall provide to the Sunset Advisory Commission any information the commission considers necessary to carry out the commission's duties under this section.

(c) The Sunset Advisory Commission shall make recommendations to the 77th Legislature, Regular Session, 2001, as the commission considers appropriate, regarding the Children's Trust Fund of Texas Council.

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

On motion of Senator Brown 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 third reading by a viva voce vote.

HOUSE BILL 2954 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2954** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 2954 was read third time and was passed by a viva voce vote.

(Senator Brown in Chair)

HOUSE BILL 1224 ON SECOND READING

On motion of Senator West 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 third reading:

HB 1224, Relating to the requirement that alcohol awareness information be included in the curriculum of certain driver education and driving safety courses.

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

HOUSE BILL 1224 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1224** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 1224 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 3342 ON SECOND READING

On motion of Senator Wentworth 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 third reading:

HB 3342, Relating to the eligibility of certain persons to hold a driver's license.

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

HOUSE BILL 3342 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3342** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3342 was read third time and was passed by a viva voce vote.

HOUSE BILL 628 ON SECOND READING

On motion of Senator Shapiro 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 third reading:

HB 628, Relating to the creation of the offense of failing to stop or report the aggravated sexual assault of a child.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 628**, 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."

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

On motion of Senator Shapiro 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 third reading by a viva voce vote.

HOUSE BILL 628 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 628** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 628 was read third time and was passed by a viva voce vote.

HOUSE BILL 1884 ON SECOND READING

On motion of Senator Harris 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 third reading:

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

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1884** as follows:

Strike all of Section 1 of the bill; strike all of Section 4 of the bill; strike all of Section 8 of the bill; and strike all of Section 10 of the bill; then renumber sections accordingly.

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

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1884** by adding the following appropriately numbered SECTIONS and renumbering the sections of the bill as appropriate:

SECTION ____. Subchapter F, Chapter 153, Family Code, is amended by adding Section 153.318 to read as follows:

Sec. 153.318. TELEPHONE ACCESS. (a) On the request of a joint managing conservator or possessory conservator, the court shall include in the possession order that the conservator shall have access to the child on the telephone during a specified time each week. The order shall specify:

(1) the day of the week for the telephone access;

(2) the time that the child must be made available for telephone access; and

(3) the procedure the managing conservator must follow if the child will not be available during the designated time for telephone access.

(b) In addition to the access provided for in Subsection (a), unless the managing conservator providing for the primary residence for the child can show that the requirement would cause undue financial hardship, the court shall order the managing conservator to have a telephone answering device or service to receive or record messages to the child from the possessory conservator.

SECTION ____. Section 153.318, Family Code, as added by this Act, applies to an order or portion of a decree providing for possession of or access to a child that is rendered on or after the effective date of this Act. An order rendered before the effective date of this Act is governed by the law that existed on the date the order was rendered, and the former law is continued in effect for that purpose.

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

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 1884** by striking SECTION 3 of the bill and substituting the following appropriately numbered section:

SECTION ____. Subsection (b), Section 158.206, Family Code, is amended to read as follows:

(b) An employer receiving an order or writ of withholding who does not comply with the order or writ is liable:

(1) to the obligee for the amount not paid in compliance with the order or writ, including the amount the obligor is required to pay for health insurance under Chapter 154;

(2) to the obligor for:

(A) the amount withheld and not paid as required by the order or writ; and

(B) an amount equal to the interest that accrues under Section 157.265 on the amount withheld and not paid; and

(3) for reasonable attorney's fees and court costs.

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

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 1884** by adding the following appropriately numbered SECTIONS and renumbering the sections of the bill as appropriate:

SECTION _____. Subchapter F, Chapter 153, Family Code, is amended by adding Section 153.318 to read as follows:

Sec. 153.318. TELEPHONE ACCESS. (a) On the request of a joint managing conservator or possessory conservator, the court shall include in the possession order that the conservator shall have access to the child on the telephone during a specified time each week. The order shall specify:

(1) the day of the week for the telephone access;

(2) the time that the child must be made available for telephone access; and

(3) the procedure the managing conservator must follow if the child will not be available during the designated time for telephone access.

(b) In addition to the access provided for in Subsection (a), unless the managing conservator providing for the primary residence for the child can show that the requirement would cause undue financial hardship, the court shall order the managing conservator to have a telephone answering device or service to receive or record messages to the child from the possessory conservator.

SECTION _____. Section 153.318, Family Code, as added by this Act, applies to an order or portion of a decree providing for possession of or access to a child that is rendered on or after the effective date of this Act. An order rendered before the effective date of this Act is governed by the law that existed on the date the order was rendered, and the former law is continued in effect for that purpose.

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

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 4

Amend **HB 1884** (Committee Printing, page 4, line 65) by inserting new SECTIONS 11 through 15 as follows and renumbering the subsequent sections accordingly:

SECTION 11. Section 31.0031(c), Human Resources Code, is amended to read as follows:

(c) The department shall adopt rules governing sanctions and penalties under this section to or for:

(1) a person who fails to comply with each applicable requirement of the responsibility agreement prescribed by this section; and

(2) the family of a person who fails to comply with the requirement of the responsibility agreement prescribed by Subsection (d)(1).

SECTION 12. Section 31.0032, Human Resources Code, is amended to read as follows:

Sec. 31.0032. PENALTIES AND SANCTIONS. (a) If after an investigation the department determines that a person is not complying with a requirement of the responsibility agreement required under Section 31.0031, the department shall apply appropriate sanctions or penalties regarding the assistance provided to or for that person or that person and the person's family under this chapter.

(b) In applying sanctions or penalties for the failure or refusal of a person, without good cause, to comply with the requirement of the responsibility agreement prescribed by Section 31.0031(d)(1), the department shall:

(1) after the first violation, reduce the total amount of financial assistance provided to or for the entire family by an amount equal to the amount of financial assistance provided for the needs of each adult member of the family who is not in compliance; and

(2) after the second or a subsequent violation, terminate the total amount of financial assistance provided to or for that person and the person's family and deem the family ineligible for financial assistance for a period of 90 days.

(c) Good cause for noncompliance with the requirement of the responsibility agreement prescribed by Section 31.0031(d)(1) exists only if requiring the person committing the violation to cooperate with the department or agency under that section would be harmful to the physical, mental, or emotional health of the person or the person's child.

(d) The department shall apply a penalty or sanction to or for a family under Subsection (b) until the person committing the violation complies with each requirement of the responsibility agreement for which the penalty or sanction was imposed.

(e) If a person fails to comply with a requirement of the responsibility agreement prescribed by Section 31.0031(d)(1) for more than 90 days after a penalty or sanction has been imposed, the person will be deemed to have committed a second or subsequent violation.

(f) The department shall immediately notify the caretaker relative, second parent, or payee receiving the financial assistance whether sanctions will be applied under this section.

(g) The department shall review the circumstances surrounding the sanction to ensure that the sanction has been applied appropriately within 13 days of providing the notice required under subsection (f). The department may offer referrals to appropriate services to address and to help remove barriers to compliance.

(h) ~~{(e)}~~ This section does not prohibit the department from providing medical assistance, child care, or any other social or support services for a person or that person's family ~~{an}~~ ~~{individual}~~ subject to sanctions or penalties under this chapter.

(i) The department shall give the highest priority to the administrative processing of sanctions or penalties applied under this section so that the department's records of the affected person promptly reflect application of the sanctions or penalties.

SECTION 13. Section 31.0033(c), Human Resources Code, is amended to read as follows:

(c) If the department finds that good cause for noncompliance was not shown at a hearing, the department shall apply appropriate sanctions or penalties to or for that person or that person and the person's family until the department determines that the person is in compliance with the terms of the responsibility agreement.

SECTION 14. Not later than December 1, 2000, the Office of the Attorney General and the Texas Department of Human Services shall jointly report to the governor, lieutenant governor, and speaker of the house of representatives on the effectiveness and accuracy of the sanctioning process described by Section 31.0032(b) as added by this Act. The report must include any recommendations for legislative action.

SECTION 15. The changes in law made by Sections 31.0031-31.0033, Human Resources Code, as amended by this Act, apply only to conduct that occurs

on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect at the time the conduct occurred, and that law is continued in effect for that purpose.

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

On motion of Senator Harris 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 third reading by a viva voce vote.

HOUSE BILL 1884 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1884** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 1884 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 3229 ON SECOND READING

On motion of Senator Armbrister 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 third reading:

HB 3229, Relating to the property, items, persons, or contraband subject to seizure under a search warrant.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3229**, in SECTION 1 of the bill, in amended Article 18.01(d), Code of Criminal Procedure, as follows:

(1) Strike "items, persons, or contraband" (Senate Committee Report, page 1, line 15), and substitute "items or contraband".

(2) Strike "enumerated in Subdivisions (1) through (9), (11), or (12)" (Senate Committee Report, page 1, line 16), and substitute "enumerated in Subdivisions (1) through (9) or in Subdivision (12)".

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

On motion of Senator Armbrister 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 third reading by a viva voce vote.

HOUSE BILL 3229 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3229** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3229 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
HOUSE BILL 2147 ON SECOND 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 second reading and passage to third reading:

CSHB 2147, Relating to the identification of real property owned by the state that is suitable for the development of affordable housing.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 2147** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 31.153(a), Natural Resources Code, is amended to read as follows:

(a) All real property owned by the state shall be accounted for by the state agency that possesses the property. Not later than the last day of each fiscal year, each state agency shall provide the division with a report on the status of real property owned or controlled by the agency.

SECTION 2. Sections 31.155(a), (b), and (d), Natural Resources Code, are amended to read as follows:

(a) The division is not responsible for maintaining the inventory records of the real property administered by the Texas Department of Transportation, [~~the Texas National Research Laboratory Commission,~~] an institution of higher education, the Employees Retirement System of Texas, or the Teacher Retirement System of Texas. The agencies administering the property shall maintain those records.

(b) The Texas Department of Transportation[~~, or the Texas National Research Laboratory Commission~~], on the request of the division, shall submit its real property inventory records to the division. The real property inventory records of an institution of higher education, the Employees Retirement System of Texas, and the Teacher Retirement System of Texas, on the request of the division, but not more than semiannually, shall be submitted to the division for information purposes only.

(d) The duty under this subchapter of the division to review and verify real property records and to make recommendations regarding real property and of the commissioner to prepare a report involving real property does not apply to:

- (1) the real property of an institution of higher education;
- (2) the real property that is part of a fund created or specifically authorized by the constitution of this state and that is administered by or with the assistance of the land office;
- (3) the real property of the Employees Retirement System of Texas; [~~or~~]
- (4) the real property of the Teacher Retirement System of Texas; or
- (5) the real property of the Texas Historical Commission.

SECTION 3. Section 31.156, Natural Resources Code, is amended by adding Subsection (e) to read as follows:

(e) The division shall furnish an appraisal to the Texas Department of Housing and Community Affairs of properties that have been identified as unused or substantially underused.

SECTION 4. Sections 31.157(b) and (c), Natural Resources Code, are amended to read as follows:

(b) The draft report shall be submitted to the [~~State Purchasing and~~] General Services Commission, which shall further evaluate the potential use of the property by another state agency or department. The draft report shall also be submitted, at the same time as it is furnished to the commission, to the Texas Department of Housing and Community Affairs and each agency that owns or holds in trust property that is the subject of the draft report. Each agency may comment on the findings or recommendations, including the agency's specific reasons for supporting or opposing the recommendations and detailing any efforts the agency has made in attempting to put the property to use or sell or lease the property. The commission may comment on any findings or recommendations made by the commissioner and may make additional recommendations regarding the use of the property. The Texas Department of Housing and Community Affairs may comment on any findings or recommendations made by the commissioner and may make additional recommendations regarding the suitability of the property for affordable housing. The commission shall complete the review of the draft report within 60 days of the receipt of the report and forward the comments to the commissioner.

(c) The commissioner shall prepare and issue a final report incorporating the recommendations of the commission regarding use of the property by another state agency and addressing all comments received from the commission and the state agency that owns or controls the property that is the subject of the report.

SECTION 5. Section 31.1571, Natural Resources Code, is amended to read as follows:

Sec. 31.1571. DISPOSAL OF UNUSED OR UNDERUSED PROPERTY.

(a) Notwithstanding any other law, after the division has reported a property unused or underused and the commissioner has made a recommendation to the governor for a real estate transaction involving the property, the state agency that owns or controls the property may not develop, sell, or otherwise dispose of the property before the earlier of:

(1) the date the governor rejects a recommended real estate transaction involving the property as provided by Section 31.1572 [pursuant to Chapter 672, Acts of the 71st Legislature, Regular Session, 1989 (Article 5421t, Vernon's Texas Civil Statutes)]; or

(2) two years from the date the recommendation is approved by operation of law under Section 31.1572 [Chapter 672, Acts of the 71st Legislature, Regular Session, 1989 (Article 5421t, Vernon's Texas Civil Statutes)].

(b) If a state agency that owns or controls property that the division has reported as unused or underused intends to dispose of or change the use of the property prior to the time provided by Subsection (a), the state agency shall submit to the governor and the division a general development plan for future use of the property. The plan shall be submitted no later than 30 days prior to the time that the real estate transaction would be approved by operation of law if not disapproved by the governor as provided by Section 31.1572 [pursuant to Chapter 672, Acts of the 71st Legislature, Regular Session, 1989 (Article 5421t, Vernon's Texas Civil Statutes)]. The governor may take

such plan into consideration in determining whether to reject the commissioner's recommendation.

(c) Before final authorization is given to dispose of or change the use of property that the division has reported as unused or underused, the state agency that owns or controls the property shall notify the division of any planned development, acquisition, disposition, lease, or exchange of the property, including any planned construction of new improvements or major modifications to existing improvements.

SECTION 6. Subchapter E, Chapter 31, Natural Resources Code, is amended by adding Section 31.1572 to read as follows:

Sec. 31.1572. REAL ESTATE TRANSACTION AUTHORIZED BY GOVERNOR. (a) A real estate transaction authorized by this section shall be conducted as provided by this section.

(b) After a property is recommended for an alternative use by the division during the recurring property review and report under this subchapter, the state agency that owns or controls the property may file comments on or objections to the recommendation with the governor and the division on or before the 60th day after the date the agency receives the written recommendation from the division.

(c) If the division reports a property as unused or underused and the commissioner recommends a real estate transaction involving the property, the commissioner may conduct the transaction unless the recommendation is disapproved by the governor on or before the 90th day after the date the governor receives the commissioner's written recommendation. The governor may disapprove a recommended real estate transaction by providing written notice to the commissioner on or before the 90th day after the date the governor receives the commissioner's written recommendation.

(d) If the commissioner conducts a recommended real estate transaction as provided by Subsection (c), the division shall take possession and control of the real property as necessary to negotiate and close the recommended real estate transaction.

(e) The expenses incurred by the division in conducting a real estate transaction, including the payment of reasonable brokerage fees, may be deducted from the proceeds of the transaction before the proceeds are deposited as provided by Subsection (f). The division may adopt rules relating to the payment of reasonable brokerage fees.

(f) Unless the proceeds of the real estate transaction are dedicated by the Texas Constitution, the proceeds of the transaction shall be deposited as follows:

(1) if the state agency is eligible to participate in the Texas capital trust fund under Chapter 2201, Government Code, the proceeds shall be deposited to the credit of that fund; or

(2) if the state agency is not eligible to participate in the Texas capital trust fund under Chapter 2201, Government Code, the proceeds shall be deposited to the credit of that state agency.

(g) This section does not apply to a real estate transaction involving real property owned by the state if the division is not required to review the property under Section 31.155(d).

SECTION 7. Section 31.158, Natural Resources Code, is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) After a bid or proposal is accepted under this section, the commissioner may negotiate an amendment to the terms of the sale, exchange, or lease agreement with the party whose bid or proposal was accepted only if:

(1) the sale, exchange, or lease of the property is not completed within six months of the date the bid or proposal was accepted; and

(2) the commissioner finds that the amendment is in the best interest of the state.

(e) If the division determines that an exchange of real property is in the best interest of the state, the division may negotiate and close the exchange transaction in the same manner provided for the sale or lease of state property under this section.

(f) Notwithstanding Subsection (c), the commissioner may offer a first option to purchase or lease real property owned or held in trust by the state to an adjacent property owner or lessee only if:

(1) the owner or lessee acquired the owner's or lessee's interest in the adjacent real property from the state; and

(2) the commissioner determines that the real estate transaction will enhance the value of the remaining state property and serve the best interest of the state.

SECTION 8. Chapter 672, Acts of the 71st Legislature, Regular Session, 1989 (Article 5421t, Vernon's Texas Civil Statutes), is repealed.

SECTION 9. This Act takes effect September 1, 1999, and applies only to a report issued under Section 31.157, Natural Resources Code, on or after the effective date of this Act. A report issued under Section 31.157, Natural Resources Code, before the effective date of this Act is governed by the law in effect at the time the report was issued, and that law is continued in effect for that purpose.

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.

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.

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

COMMITTEE SUBSTITUTE HOUSE BILL 2147 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 2147** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

CSHB 2147 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE RESOLUTION 1135

Senator Jackson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the efforts of Daniel B. Kulvicki, whose campaign to honor Texas history with his State of Texas Anniversary Remembrance Day (S.T.A.R.) project, has met with great success; and

WHEREAS, Daniel worked hard to win state recognition for his annual State of Texas Anniversary Remembrance Day; his efforts culminated in the public

acknowledgment of February 19 as the day Texas ceased being an independent nation and joined the union; the date also marks the occasion in 1846 when James Pinckney Henderson became the newly admitted state's first governor; and

WHEREAS, The senior from Dickinson High School enlisted the support of Galveston County Judge James D. Yarbrough and City of Dickinson Mayor John W. Mitchiner; the two gentlemen aided Daniel in his quest to have state lawmakers create S.T.A.R. Day; and

WHEREAS, Two private-sector entities, Citizen's State Bank and Texas First Banks of Galveston County, also lent their patronage to Mr. Kulvicki's cause; with their support, Daniel was able to publish two editions of a community newspaper covering State of Texas Anniversary Remembrance Day; additionally, he published copies of historical documents related to the inauguration of Governor Henderson; and

WHEREAS, Mr. Kulvicki's goal was realized when Governor George W. Bush officially declared S.T.A.R. Day in Texas each year from 1996 to 1999; and

WHEREAS, Dennis M. and Fostelene T. Kulvicki, his parents, have been firm supporters of their son's endeavors; their love and guidance have helped this remarkable young man achieve his impressive success; and

WHEREAS, The efforts of Daniel Kulvicki to educate the public about the history of Texas are truly laudable; the success of State of Texas Anniversary Remembrance Day evidences this fine young man's maturity, intelligence, and resourcefulness; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 76th Legislature, hereby commend the outstanding accomplishments of Daniel B. Kulvicki and wish this fine young citizen continued success in the years to come; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Mr. Kulvicki as an expression of high regard from the Texas Senate.

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

GUESTS PRESENTED

Senator Jackson was recognized and introduced to the Senate Daniel B. Kulvicki, accompanied by his parents, Dennis M. and Fostelene T. Kulvicki, and his brother, Michael.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced to the Senate a delegation from the Austin Rehabilitation Center.

The Senate welcomed its guests.

VOTES RECONSIDERED ON HOUSE BILL 1884

On motion of Senator West and by unanimous consent, the vote by which **HB 1884** was finally passed was reconsidered.

Question—Shall **HB 1884** be finally passed?

On motion of Senator West and by unanimous consent, the vote by which the Constitutional Three-day Rule was suspended for **HB 1884** was reconsidered.

Question—Shall the Constitutional Three-day Rule be suspended?

On motion of Senator West and by unanimous consent, the vote by which **HB 1884** was passed to third reading was reconsidered.

Question—Shall the bill be passed to third reading?

On motion of Senator West and by unanimous consent, the vote by which Floor Amendment No. 4 to **HB 1884** was adopted was reconsidered.

Question—Shall Floor Amendment No. 4 to **HB 1884** be adopted?

On motion of Senator Harris and by unanimous consent, further consideration of **HB 1884** was postponed to a time certain of 1:00 p.m. today.

Question—Shall Floor Amendment No. 4 to **HB 1884** be adopted?

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 26, 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:

HCR 297, Instructing the enrolling clerk of the house to make corrections in **HB 3091**.

HCR 300, Instructing the enrolling clerk of the house to make corrections in **HB 1976**.

HCR 302, Instructing the enrolling clerk of the house to make a technical correction in **HB 3050**.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

HOUSE BILL 3324 ON SECOND READING

On motion of Senator Carona 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 third reading:

HB 3324, Relating to the provision of certain services to claimants under the compensation to victims of crime fund.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3324**, Subsection (e) of SECTION 1 as follows:

Between "claimants." and "A" insert "No money appropriated from the compensation to victims of crime fund may be granted or otherwise dedicated to an organization, corporation, or group that engages or participates in lobbying as outlined in Chapter 305, Government Code."

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

On motion of Senator Carona 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 third reading by a viva voce vote.

HOUSE BILL 3324 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3324** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3324 was read third time.

VOTES RECONSIDERED

On motion of Senator Harris and by unanimous consent, the vote by which the Constitutional Three-day Rule was suspended for **HB 3324** was reconsidered.

Question—Shall the Constitutional Three-day Rule be suspended?

On motion of Senator Harris and by unanimous consent, the vote by which **HB 3324** was passed to third reading was reconsidered.

Question—Shall the bill be passed to third reading?

On motion of Senator Harris and by unanimous consent, the vote by which Floor Amendment No. 1 to **HB 3324** was adopted was reconsidered.

Question—Shall Floor Amendment No. 1 be adopted?

On motion of Senator Harris and by unanimous consent, Floor Amendment No. 1 was withdrawn.

HB 3324 was again passed to third reading by a viva voce vote.

HOUSE BILL 3324 ON THIRD READING

Senator Carona again moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3324** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3324 was again read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 3479 ON SECOND READING

On motion of Senator Zaffirini 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 third reading:

HB 3479, Relating to liability for sexual exploitation by mental health services providers who are officers or employees of governmental units.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3479** as follows:

(1) Following SECTION 2 of the bill (Senate committee printing, page 1, between lines 61 and 62) insert the following:

SECTION 3. Section 22.011(c), Penal Code, is amended by adding Subdivision (4) to read as follows:

(4) "Mental health services provider" means an individual, licensed or unlicensed, who performs or purports to perform mental health services, including a:

(A) licensed social worker as defined by Section 50.001, Human Resources Code;

(B) chemical dependency counselor as defined by Section 1, Chapter 635, Acts of the 72nd Legislature, Regular Session, 1991 (Article 4512o, Vernon's Texas Civil Statutes);

(C) licensed professional counselor as defined by Section 2, Licensed Professional Counselor Act (Article 4512g, Vernon's Texas Civil Statutes);

(D) licensed marriage and family therapist as defined by Section 2, Licensed Marriage and Family Therapist Act (Article 4512c-1, Vernon's Texas Civil Statutes);

(E) member of the clergy;

(F) psychologist offering psychological services as defined by Section 2, Psychologists' Licensing Act (Article 4512c, Vernon's Texas Civil Statutes); or

(G) special officer for mental health assignment certified under Section 415.037, Government Code.

(4) Following SECTION 4 of the bill (Senate committee printing, page 2, between lines 9 and 10), insert the following appropriately numbered SECTION:

SECTION ___. (a) The change in law made by this Act to Section 22.011, Penal Code, applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

(3) Renumber SECTIONS of the bill appropriately.

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

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 3479** as follows:

(1) Strike SECTION 2 of the bill (Senate committee printing, page 1, lines 44-61) and substitute the following:

SECTION 2. Chapter 81, Civil Practice and Remedies Code, is amended by adding Section 81.010 to read as follows:

Sec. 81.010. INJUNCTIVE RELIEF AGAINST GOVERNMENTAL UNITS.
(a) In this section, "governmental unit" has the meaning assigned by Section 101.001(3)(B).

(b) Subject to Subsection (c), a patient, former patient, or another person acting on behalf of a patient or former patient may bring an action under this section against a governmental unit that is an employer of a mental health services provider, including a special officer for mental health assignment, who commits any conduct described by Section 81.002(1), (2), or (3) in relation to the patient or former patient. In an action brought under this subsection, the patient or former patient may obtain:

(1) an order requiring the governmental unit to discharge the mental health services provider who committed the conduct;

(2) court costs; and

(3) reasonable attorneys fees, as determined by the court.

(c) A patient, former patient, or person acting on behalf of a patient or former patient may not bring an action under Subsection (b) unless, 60 days before the date that action is to be filed, the person notifies the governmental unit in writing of its intention to bring an action under this section. The notice must reasonably describe the facts giving rise to the claim. If, before the 60th day after the date the notice is provided under this section, the governmental unit discharges the mental health services provider who committed the conduct with respect to which the claim is filed, the person may not bring suit under Subsection (b).

(d) Governmental immunity to suit is waived and abolished only to the extent of the liability created by Subsection (b).

(2) In SECTION 4 of the bill (Senate committee printing, page 2, between lines 9 and 10), following Subsection (b), insert new Subsection (c) to read as follows:

(c) In an action described by Subsection (a)(2) of this section, the person bringing the action is not required to provide notice under Section 81.010(c), Civil Practice and Remedies Code, as added by this Act, before pursuing relief under that section.

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 third reading by a viva voce vote.

HOUSE BILL 3479 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 **HB 3479** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3479 was read third time and was passed by a viva voce vote.

HOUSE BILL 3682 ON SECOND 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 second reading and passage to third reading:

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

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3682** as follows:

Strike all below the enacting clause and replace it with the following:

SECTION 1. Chapter 783, Government Code, is amended by adding Section 783.009 to read as follows:

Sec. 783.009. MATCHING FUND WAIVER FOR ECONOMICALLY DISADVANTAGED COUNTY OR CENSUS TRACT. (a) In this section, "economically disadvantaged county" means a county that has a per capita taxable property tax value that is less than one-half the average per capita taxable property value of counties in the state or, in comparison to other counties in the state, has:

- (1) below average per capita taxable property value;
- (2) below average per capita income; and
- (3) above average unemployment.

(b) In this section, "economically disadvantaged census tract" means a census tract delineated by the U.S. Bureau of the Census in the most recent decennial census in which the median family income is reported by the U.S. Bureau of the Census to be less than 80 percent of the area median family income.

(c) Except as provided by subsection (d), a state agency may, for an economically disadvantaged county or economically disadvantaged census tract, waive or adjust any matching funds requirement that is otherwise a condition for a county to receive a grant or other form of financial assistance from the agency.

(d) This section does not apply to the Texas Transportation Commission or to waivers or adjustments of matching funds requirements granted by the Texas Department of Transportation or governed by subsection (a), Section 222.053, Transportation Code.

(e) Each agency shall include information about its use of waivers or adjustments to matching funds requirements in its annual report. The information shall include the disposition of each instance where a waiver or adjustment is requested or considered.

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 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.

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

HOUSE BILL 3682 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3682** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3682 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

(Senator Ratliff in Chair)

HOUSE BILL 2968 ON SECOND READING

On motion of Senator Wentworth 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 third reading:

HB 2968, Relating to the fee imposed on certain criminal convictions for records management and preservation services.

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

HOUSE BILL 2968 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2968** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 2968 was read third time and was passed by a viva voce vote.

HOUSE BILL 3457 ON SECOND READING

On motion of Senator Armbrister 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 third reading:

HB 3457, Relating to the renewal of certain bail bondsman licenses.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3457** as follows:

(1) In SECTION 1 of the bill, in the first sentence of Section 8(a), Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes) (Senate committee printing page 1, line 15), strike "six" and substitute "10".

(2) In SECTION 1 of the bill, in the first sentence of proposed Subsection (d) to Section 8, Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes) (Senate committee printing page 1, line 30), strike "six" and substitute "10".

(3) In SECTION 1 of the bill, in the first sentence of proposed Subsection (d) to Section 8, Chapter 550, Acts of the 63rd Legislature, Regular Session, 1973 (Article 2372p-3, Vernon's Texas Civil Statutes) (Senate committee printing page 1, line 33), strike "48" and substitute "36".

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

On motion of Senator Armbrister 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 third reading by a viva voce vote.

HOUSE BILL 3457 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3457** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3457 was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Wentworth, joined by Senators Madla and Ratliff, was recognized and introduced to the Senate a group of students from Sonora Junior High School in Sonora.

The Senate welcomed its guests.

HOUSE BILL 261 ON SECOND READING

On motion of Senator Armbrister 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 third reading:

HB 261, Relating to the forfeiture of good conduct time of an inmate who files a frivolous or malicious lawsuit while confined in county jail awaiting transfer to the Texas Department of Criminal Justice.

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

RECORD OF VOTE

Senator Truan asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 261 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 261** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Truan.

Absent-excused: Luna.

HB 261 was read third time and was passed by the following vote: Yeas 29, Nays 1. (Same as previous roll call)

HOUSE BILL 3014 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 third reading:

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

The bill was read second time.

Senator Bernsen offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3014**, Senate Committee Report to read as follows:

(1) On page 1, line 18, strike "only to:" and substitute "to perform one or more of the following:".

(2) On page 1, line 19, strike "enhance" and substitute "enhancing".

(3) On page 1, line 21, strike "provide" and substitute "providing".

(4) On page 1, line 22, strike "and" and substitute "or".

(5) On page 1, line 23, strike "provide" and substitute "providing".

(6) On page 1, line 33, strike "shall" and substitute "may".

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

Senator Bernsen offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 3014** (Senate Committee Report) by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS appropriately:

SECTION _____. Chapter 342, Transportation Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. GALVESTON-PORT BOLIVAR FERRY VEHICLE STICKER

Sec. 342.501. FERRY VEHICLE STICKER. (a) This subchapter applies only to the residents and homeowners of Bolivar Peninsula.

(b) The owner of a motor vehicle may apply to the department for a ferry vehicle sticker that would entitle the owner to be first in line to ride the Galveston-Port Bolivar ferry that is maintained by the department.

(c) Only a motor vehicle owner who has provided sufficient proof, as determined by the department, that the owner is a resident or homeowner of Bolivar Peninsula may receive a ferry vehicle sticker.

Sec. 342.502. FEES. The annual fee for a ferry vehicle sticker under this subchapter is \$30.

Sec. 342.503. DISPOSITION OF FEES. Of each fee collected under this subchapter:

(1) \$17.50 shall be deposited to the credit of the state highway fund, \$5 of which shall be used to defray the cost of administering this subchapter; and

(2) \$12.50 shall be deposited in the parks and wildlife operating account.

Sec. 342.504. RULES AND FORMS. (a) The department may adopt rules to administer this subchapter.

(b) The department shall prescribe forms determined by the department to be necessary for the administration of this subchapter.

Sec. 342.505. DESIGN OF FERRY VEHICLE STICKER. The department shall design and issue ferry vehicle stickers as provided under this subchapter.

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

On motion of Senator Bernsen 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 third reading by a viva voce vote.

HOUSE BILL 3014 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 **HB 3014** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3014 was read third time and was passed by a viva voce vote.

HOUSE BILL 1032 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 third reading:

HB 1032, Relating to parking of a motor vehicle operated by or for the transportation of a person with a disability.

The bill was read second time.

Senator Ogden offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1032** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 681.002, Transportation Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A disabled parking placard must be two-sided and hooked and include on each side:

(1) the international symbol of access, which must be at least three inches in height, be centered on the placard, and be:

(A) white on a blue shield for a placard issued to a person with a mobility [permanent] disability described by Section 681.001(5)(B) or (C); or

(B) white on a red shield for a placard issued to a person with any other permanent or [a] temporary disability;

(2) an identification number;

(3) an expiration date at least three inches in height; and

(4) the seal or other identification of the department.

(e) In addition to the expiration date included on a disabled parking placard under Subsection (b), the expiration date must be indicated on the placard by a month and year hole-punch system.

SECTION 2. Section 681.003(c), Transportation Code, is amended to read as follows:

(c) The first application must be accompanied by a notarized written statement or written prescription of a physician licensed to practice medicine in this state certifying and providing evidence acceptable to the department that the person making the application or on whose behalf the application is made is legally blind or has a mobility problem that substantially impairs the person's ability to ambulate. The statement or prescription must include a certification of whether the disability is temporary or permanent and information acceptable to the department to determine the type of disabled parking placard for which the applicant is eligible. The department shall determine a person's eligibility based on evidence provided by the applicant establishing legal blindness or mobility impairment.

SECTION 3. Section 681.006, Transportation Code, is amended to read as follows:

Sec. 681.006. PARKING PRIVILEGES: PERSONS WITH DISABILITIES. (a) Subject to Section 681.009(e), a [A] vehicle may be parked for an unlimited period in a parking space or area that is designated specifically for persons with physical disabilities if:

(1) the vehicle is being operated by or for the transportation of a person with a disability; and

(2) there are:

(A) displayed on the vehicle special license plates issued under Section 502.253; or

(B) placed on the rearview mirror of the vehicle's front windshield a disabled parking placard.

(b) The owner of a vehicle is exempt from the payment of a fee or penalty imposed by a governmental unit for parking at a meter~~[-, in a parking garage or lot, or in a space with a limitation on the length of time for parking]~~ if:

(1) the vehicle is being operated by or for the transportation of a person with a disability; and

(2) there are:

(A) displayed on the vehicle special license plates issued under Section 502.253; or

(B) placed on the rearview mirror of the vehicle's front windshield a disabled parking placard.

(c) The exemption provided by Subsection (b) or (e) does not apply to a fee or penalty:

(1) imposed by a branch of the United States government; or

(2) imposed by a governmental unit for parking at a meter, in a parking garage or lot, or in a space located within the boundaries of a municipal airport.

(d) This section does not permit a vehicle to be parked at a time when or a place where parking is prohibited.

(e) A governmental unit may provide by ordinance or order that the exemption provided by Subsection (b) also applies to payment of a fee or penalty imposed by the governmental unit for parking in a parking garage or lot or in a space with a limitation on the length of time for parking. [Nothing in this code shall be interpreted as exempting any owner or operator of a vehicle from payment of fees or penalties imposed by a governmental unit for parking at a meter, in a parking garage or lot, or in a space located within the boundaries of a municipal airport.]

SECTION 4. Section 681.008, Transportation Code, is amended to read as follows:

Sec. 681.008. PARKING PRIVILEGES: VETERANS WITH DISABILITIES; CONGRESSIONAL MEDAL OF HONOR RECIPIENTS. (a) A vehicle on which license plates issued under Section 502.254 or 502.255 are displayed is exempt from the payment of a parking fee[; ~~including a fee~~] collected through a parking meter[;] charged by a governmental authority other than a branch of the federal government, when being operated by or for the transportation of:

(1) the person who registered the vehicle under Section 502.254(a) or 502.255; or

(2) a person described in Section 502.254(b) if the vehicle is registered under that subsection.

(b) A governmental unit may provide by ordinance or order that the exemption provided by Subsection (a) also applies to payment of a fee or penalty imposed by the governmental unit for parking in a parking garage or lot or in a space with a limitation on the length of time for parking.

SECTION 5. Section 681.009, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) A private property owner or private person who controls property used for parking and who designates one or more uncovered parking spaces for the exclusive use of vehicles transporting persons with disabilities shall assign at least half of those spaces for the exclusive use of vehicles displaying a white on blue shield disabled parking placard, except that if an odd number of spaces is designated, only the number of spaces that is the largest whole number less than half of the number of designated spaces must be assigned for the exclusive use of vehicles displaying a white on blue shield placard. Van-accessible parking spaces shall be counted as assigned spaces under this subsection. These assigned spaces must be the spaces located closest to an accessible route to an entrance accessible to a person with a disability. The remaining designated parking spaces may be used by vehicles displaying a white on blue shield disabled parking placard, a white on red shield disabled parking placard, or license plates issued under Section 502.253. This subsection applies only to property used for parking that serves a building or other facility:

(1) that state law requires to be accessible to persons with disabilities; and
(2) for which construction or an alteration of the building or other facility is completed on or after September 1, 1999.

SECTION 6. Section 681.011, Transportation Code, is amended by amending Subsections (b) and (g)-(k) and adding Subsection (m) to read as follows:

(b) A person commits an offense if the person:

(1) parks a vehicle on which license plates issued under Section 502.253 are not displayed and a disabled parking placard is not displayed in a parking space or area designated specifically for individuals with disabilities by:

(A) [~~(+)~~] a political subdivision; or

(B) [~~(?)~~] a person who owns or controls private property used for parking as to which a political subdivision has provided for the application of this section under Subsection (f); or

(2) parks a vehicle displaying a white on red shield disabled parking placard or license plates issued under Section 502.253 in a space designated under Section 681.009(e) for the exclusive use of vehicles displaying a white on blue shield disabled parking placard.

(g) Except as provided by Subsections (h)-(k), an offense under this section is a misdemeanor punishable by a fine of not less than \$250 [~~\$100~~] or more than \$500 [~~\$200~~].

(h) If it is shown on the trial of an offense under this section that the person has been previously convicted one time of an offense under this section, the offense is punishable by a fine of not less than \$300 [~~\$200~~] or more than \$600 [~~\$300~~].

(i) If it is shown on the trial of an offense under this section that the person has been previously convicted two times of an offense under this section, the offense is punishable by:

(1) a fine of not less than \$300 or more than \$600; and

(2) not less than 10 or more than 20 hours of community service [~~\$400~~].

(j) If it is shown on the trial of an offense under this section that the person has been previously convicted three times of an offense under this section, the offense is punishable by:

(1) a fine of not less than \$500 [~~\$400~~] or more than \$1,000; and

(2) not less than 20 or more than 50 hours of community service [~~\$500~~].

(k) If it is shown on the trial of an offense under this section that the person has been previously convicted four times of an offense under this section, the offense is punishable by a fine of \$1,000 and 50 hours of community service [~~\$500~~].

(m) A person commits an offense if the person:

(1) parks a vehicle on which are displayed license plates issued under Section 502.253 or a disabled parking placard in a parking space or area for which this chapter creates an exemption from payment of a fee or penalty imposed by a governmental unit;

(2) does not have a disability;

(3) is not transporting a person with a disability; and

(4) does not pay any applicable fee related to parking in the space or area imposed by a governmental unit or exceeds a limitation on the length of time for parking in the space or area.

SECTION 7. Section 681.011(1), Transportation Code, is repealed.

SECTION 8. Sections 1 and 2 of this Act apply only to a disabled parking placard for which an application is submitted on or after the effective date of this Act.

SECTION 9. On or after the effective date of this Act the owner of a vehicle is exempt from a parking fee or penalty under Section 681.006(e) or 681.008(b), Transportation Code, as added by this Act, only if the exemption is provided for by an ordinance adopted or order issued under Section 681.006(e) or 681.008(b), Transportation Code.

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

SECTION 11. 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 Cain 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 third reading by a viva voce vote.

HOUSE BILL 1032 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 **HB 1032** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 1032 was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Sibley was recognized and introduced to the Senate his parents, Dale and Marilyn Sibley of Walker County.

The Senate welcomed Mr. and Mrs. Sibley.

(President in Chair)

HOUSE BILL 551 ON THIRD READING

On motion of Senator Fraser 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:

HB 551, Relating to exempting certain small corporations from the franchise tax and to the reporting requirements for those corporations.

The bill was read third time.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 551** by adding the following new ARTICLE and SECTIONS and renumbering subsequent ARTICLES and SECTIONS appropriately to read as follows:

ARTICLE ____

SECTION ____ . Chapter 171, Tax Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. TAX CREDIT FOR CERTAIN RESEARCH AND DEVELOPMENT ACTIVITIES

Sec. 171.721. DEFINITIONS. In this subchapter:

(1) "Base amount," "basic research payment," and "qualified research expense" have the meanings assigned those terms by Section 41, Internal Revenue Code, except that all such payments and expenses must be for research conducted within this state.

(2) "Strategic investment area" means:

(A) a county within this state with above state average unemployment and below state average per capita income; or

(B) an area that is a federally designated urban enterprise community or an urban enhanced supplemental enterprise community.

Sec. 171.722. ELIGIBILITY. (a) A corporation is eligible for a credit against the tax imposed under this chapter in the amount and under the conditions and limitations provided by this subchapter.

(b) A corporation may claim a credit under Section 171.723(b) or take a carryforward credit without regard to whether the strategic investment area in which it made qualified research expenses and basic research payments subsequently loses its designation as a strategic investment area.

Sec. 171.723. CALCULATION OF CREDIT. (a) The credit for any report equals four percent of the sum of:

(1) the excess of qualified research expenses incurred in this state during the period upon which the tax is based over the base amount for this state; and

(2) the basic research payments determined under Section 41(e)(1)(A), Internal Revenue Code, for this state during the period upon which the tax is based.

(b) In computing the credit under Subsection (a), a corporation may multiply by two the amount of any qualified research expenses and basic research payments made in a strategic investment area as determined by the comptroller under Section 171.726.

(c) The burden of establishing entitlement to and the value of the credit is on the corporation.

Sec. 171.724. LIMITATIONS. (a) The total credit claimed under this subchapter for a report, including the amount of any carryforward credit under Section 171.725, may not exceed 25 percent of the amount of franchise tax due for the report before any other applicable tax credits.

(b) The total credit claimed under this subchapter and Subchapters P and Q for a report, including the amount of any carryforward credits, may not exceed the amount of franchise tax due for the report after any other applicable credits.

(c) A corporation that establishes its eligibility for a credit under this subchapter is not eligible to establish a credit under Subchapter P.

Sec. 171.725. CARRYFORWARD. If a corporation is eligible for a credit that exceeds the limitation under Section 171.724(a) or (b), the corporation may carry the unused credit forward for not more than 20 consecutive reports. A credit carryforward from a previous report is considered to be utilized before the current year credit.

Sec. 171.726. DETERMINATION OF STRATEGIC INVESTMENT AREAS. The comptroller shall determine strategic investment areas on an annual basis using

the most current available data and shall publish a list and map of strategic investment areas by September 1 of each year.

Sec. 171.727. BIENNIAL REPORT TO LEGISLATURE BY COMPTROLLER.

(a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the members of the legislature a report that states:

(1) the total amount of expenses and payments incurred by corporations that claim a credit under Section 171.723;

(2) the total amount of credits applied against the tax under this chapter and the amount of unused credits including:

(A) the total amount of franchise tax due by corporations claiming a credit under this subchapter before and after the application of the credit;

(B) the average percentage reduction in franchise tax due by corporations claiming a credit under this subchapter;

(C) the percentage of tax credits that were awarded to corporations with fewer than 100 employees; and

(D) the two-digit standard industrial classification of corporations claiming a credit under this subchapter;

(3) the geographical distribution of expenses and payments giving rise to a credit authorized by this subchapter;

(4) the impact of the credit provided by this subchapter on the amount of research and development performed in this state and employment in research and development in this state; and

(5) the impact of the credit provided under this subchapter on employment, capital investment, and personal income in this state and on state tax revenues.

(b) The final report issued prior to the expiration of this subchapter shall include historical information on the credit authorized under this subchapter.

(c) The comptroller may not include in the report information that is confidential by law.

(d) For purposes of this section, the comptroller may require a corporation that claims a credit under this subchapter to submit information, on a form provided by the comptroller on the location of the corporation's research expenses and payments in this state and any other information necessary to complete the report required under this section.

Sec. 171.728. COMPTROLLER POWERS AND DUTIES. The comptroller shall adopt rules and forms necessary to implement this subchapter.

Sec. 171.729. EXPIRATION. (a) This subchapter expires December 31, 2009.

(b) The expiration of this subchapter does not affect the carryforward of a credit under Section 171.725 for those credits to which a corporation is eligible before the date this subchapter expires.

SECTION ____ Chapter 171, Tax Code, is amended by adding Subchapter P to read as follows:

**SUBCHAPTER P. TAX CREDITS FOR
CERTAIN JOB CREATION ACTIVITIES**

Sec. 171.751. DEFINITIONS. In this subchapter:

(1) "Agricultural processing" means an establishment primarily engaged in activities described in categories 2011-2099, 2211, 2231, or 3111-3199 of the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget.

(2) "Central administrative offices" means an establishment primarily engaged in performing management or support services for other establishments of the same enterprise. An enterprise consists of all establishments having more than 50 percent common direct or indirect ownership.

(3) "County average weekly wage" means the average weekly wage for all covered employment in the county as computed by the Texas Workforce Commission.

(4) "Data processing" means an establishment primarily engaged in activities described in categories 7371-7379 of the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget.

(5) "Distribution" means an establishment primarily engaged in activities described in categories 5012-5199 of the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget.

(6) "Group health benefit plan" means:

(A) a health plan provided by a health maintenance organization established under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code);

(B) a health benefit plan approved by the commissioner of insurance; or

(C) a self-funded or self-insured employee welfare benefit plan that provides health benefits and is established in accordance with the Employee Retirement Income Security Act of 1974 (29 U.S.C. Section 1001 et seq.), as amended.

(7) "Manufacturing" means an establishment primarily engaged in activities described in categories 2011-3999 of the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget.

(8) "Qualified business" means an establishment primarily engaged in agricultural processing, central administrative offices, distribution, data processing, manufacturing, research and development, or warehousing.

(9) "Qualifying job" means a new permanent full-time job that:

(A) is located in:

(i) a strategic investment area; or

(ii) a county with a population of less than 250,000, if the job is created by a business primarily engaged in agricultural processing;

(B) requires at least 1,600 hours of work a year;

(C) pays at least 110 percent of the county average weekly wage for the county where the job is located;

(D) is covered by a group health benefit plan for which the business pays at least 80 percent of the premiums or other charges assessed under the plan for the employee;

(E) is not transferred from one area in this state to another area in this state; and

(F) is not created to replace a previous employee.

(10) "Research and development" means an establishment primarily engaged in activities described in category 8731 of the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget.

(11) "Strategic investment area" has the meaning assigned that term by Section 171.721.

(12) "Warehousing" means an establishment primarily engaged in activities described in categories 4221-4226 of the 1987 Standard Industrial Classification Manual published by the federal Office of Management and Budget.

Sec. 171.752. ELIGIBILITY. (a) A corporation is eligible for a credit against the tax imposed under this chapter if the corporation:

- (1) is a qualified business as defined in Section 171.751;
- (2) creates a minimum of 10 qualifying jobs; and
- (3) pays an average weekly wage, for the year in which credits are claimed, of at least 110 percent of the county average weekly wage for the county where the qualifying jobs are located.

(b) A corporation may claim a credit or take a carryforward credit without regard to whether the strategic investment area in which it created the qualifying jobs subsequently loses its designation as a strategic investment area, if applicable.

Sec. 171.753. CALCULATION OF CREDIT. A corporation may establish a credit equal to 25 percent of the total wages and salaries paid by the corporation for qualifying jobs during the period upon which the tax is based.

Sec. 171.754. LENGTH OF CREDIT. The credit established shall be claimed in five equal installments of one-fifth the credit amount over the five consecutive reports beginning with the report based upon the period during which the qualifying jobs were created.

Sec. 171.755. LIMITATIONS. (a) The total credit claimed under this subchapter for a report, including the amount of any carryforward credit under Section 171.756, may not exceed 50 percent of the amount of franchise tax due for the report before any other applicable tax credits.

(b) The total credit claimed under this subchapter and Subchapters O and Q for a report, including the amount of any carryforward credits, may not exceed the amount of franchise tax due for the report after any other applicable credits.

(c) A corporation that establishes its eligibility for a credit under this subchapter is not eligible to establish a credit under Subchapter O.

Sec. 171.756. CARRYFORWARD. (a) If a corporation is eligible for a credit from an installment that exceeds the limitations under Section 171.755(a) or (b), the corporation may carry the unused credit forward for not more than five consecutive reports.

(b) A carryforward is considered the remaining portion of an installment that cannot be claimed in the current year because of the tax limitation under Section 171.755. A carryforward is added to the next year's installment of the credit in determining the tax limitation for that year. A credit carryforward from a previous report is considered to be utilized before the current year installment.

Sec. 171.757. CERTIFICATION OF ELIGIBILITY. (a) For the initial and each succeeding report in which a credit is claimed under this subchapter, the corporation shall file with its report, on a form provided by the comptroller, information that sufficiently demonstrates that the corporation is eligible for the credit and is in compliance with Section 171.752.

(b) The burden of establishing entitlement to and the value of the credit is on the corporation.

(c) If, in one of the five years in which the installment of a credit accrues, the number of the corporation's full-time employees falls below the number of full-time employees the corporation had in the year in which the corporation qualified for the credit, the credit expires and the corporation may not take any remaining installment of the credit.

(d) Notwithstanding Subsection (c), the corporation may, however, take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under Section 171.756.

Sec. 171.758. ASSIGNMENT PROHIBITED. A corporation may not convey, assign, or transfer the credit allowed under this subchapter to another entity unless all of the assets of the corporation are conveyed, assigned, or transferred in the same transaction.

Sec. 171.759. BIENNIAL REPORT TO LEGISLATURE BY COMPTROLLER. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the members of the legislature a report that states:

(1) the total number of jobs created by corporations that claim a credit under this subchapter and the average and median annual wage of those jobs;

(2) the total amount of credits applied against the tax under this chapter and the amount of unused credits including:

(A) the total amount of franchise tax due by corporations claiming a credit under this subchapter before and after the application of the credit;

(B) the average percentage reduction in franchise tax due by corporations claiming a credit under this subchapter; and

(C) the percentage of tax credits that were awarded to corporations with fewer than 100 employees;

(3) a breakdown of the two-digit standard industrial classification of businesses claiming a credit under this subchapter;

(4) the geographical distribution of the credits claimed under this subchapter; and

(5) the impact of the credit provided under this subchapter on employment, personal income, and capital investment in this state and on state tax revenues.

(b) The final report issued prior to the expiration of this subchapter shall include historical information on the credit authorized under this subchapter.

(c) The comptroller may not include in the report information that is confidential by law.

(d) For purposes of this section, the comptroller may require a corporation that claims a credit under this subchapter to submit information, on a form provided by the comptroller, on the location of the corporation's job creation in this state and any other information necessary to complete the report required under this section.

Sec. 171.760. COMPTROLLER POWERS AND DUTIES. The comptroller shall adopt rules and forms necessary to implement this subchapter.

Sec. 171.761. EXPIRATION. (a) This subchapter expires December 31, 2009.

(b) The expiration of this subchapter does not affect the carryforward of a credit under Section 171.756 or those credits for which a corporation is eligible before the date this subchapter expires.

SECTION ____ Chapter 171, Tax Code, is amended by adding Subchapter Q to read as follows:

SUBCHAPTER Q. TAX CREDITS FOR
CERTAIN CAPITAL INVESTMENTS

Sec. 171.801. DEFINITIONS. In this subchapter:

(1) "Agricultural processing," "central administrative offices," "county average weekly wage," "distribution," "data processing," "manufacturing," "qualified business," "research and development," and "warehousing" have the meanings assigned those terms by Section 171.751.

(2) "Capitalized lease" means a transaction that is classified as a purchase for federal income tax purposes even though it is denominated as a "lease."

(3) "Qualified capital investment" means tangible personal property first placed in service in a strategic investment area, or first placed in service in a county with a population of less than 250,000 by a corporation primarily engaged in agricultural processing, and that is described in Section 1245(a), Internal Revenue Code, such as engines, machinery, tools, and implements used in a trade or business or held for investment and subject to an allowance for depreciation, cost recovery under the accelerated cost recovery system, or amortization. The term does not include real property or buildings and their structural components. Property that is leased under a capitalized lease is considered a "qualified capital investment," but property that is leased under an operating lease is not considered a "qualified capital investment." Property expensed under Section 179, Internal Revenue Code, is not considered a "qualified capital investment."

(4) "Strategic investment area" has the meaning assigned that term by Section 171.721.

Sec. 171.802. ELIGIBILITY. (a) A corporation is eligible for a credit against the tax imposed under this chapter in the amount and under the conditions and limitations provided by this subchapter.

(b) To qualify for the credit authorized under this subchapter, a qualified business must:

(1) make a minimum \$500,000 qualified capital investment; and

(2) pay an average weekly wage, at the location with respect to which the credit is claimed, which is at least 110 percent of the county average weekly wage.

(c) A corporation may claim a credit or take a carryforward credit without regard to whether the strategic investment area in which it made the qualified capital investment subsequently loses its designation as a strategic investment area, if applicable.

Sec. 171.803. CALCULATION OF CREDIT. A corporation may establish a credit equal to 7.5 percent of the qualified capital investment during the period upon which the tax is based.

Sec. 171.804. LENGTH OF CREDIT. The credit established shall be claimed in five equal installments of one-fifth the credit amount over the five consecutive reports beginning with the report based upon the period during which the qualified capital investment was made.

Sec. 171.805. LIMITATIONS. (a) The total credit claimed under this subchapter for a report, including the amount of any carryforward credit under Section 171.806, may not exceed 50 percent of the amount of franchise tax due for the report before any other applicable tax credits.

(b) The total credit claimed under this subchapter and Subchapters O and P for a report, including the amount of any carryforward credits, may not exceed the amount of franchise tax due for the report after any other applicable tax credits.

(c) A corporation that establishes its eligibility for a credit under this subchapter is not eligible to claim a franchise tax reduction authorized under Section 171.1015.

Sec. 171.806. CARRYFORWARD. (a) If a corporation is eligible for a credit from an installment that exceeds the limitation under Section 171.805(a) or (b), the corporation may carry the unused credit forward for not more than five consecutive reports.

(b) A carryforward is considered the remaining portion of an installment that cannot be claimed in the current year because of the tax limitation under Section 171.805. A carryforward is added to the next year's installment of the credit in determining the tax limitation for that year. A credit carryforward from a previous report is considered to be utilized before the current year installment.

Sec. 171.807. CERTIFICATION OF ELIGIBILITY. (a) For the initial and each succeeding report in which a credit is claimed under this subchapter, the corporation shall file with its report, on a form provided by the comptroller, information that sufficiently demonstrates that the corporation is eligible for the credit and is in compliance with Section 171.802.

(b) The burden of establishing entitlement to and the value of the credit is on the qualified business.

(c) A credit expires under this subchapter and the corporation may not take any remaining installment of the credit if in one of the five years in which the installment of a credit accrues, the qualified business:

- (1) disposes of the qualified capital investment;
- (2) takes the qualified capital investment out of service;
- (3) moves the qualified capital investment out of this state; or
- (4) fails to pay an average weekly wage as required by Section 171.802.

(d) Notwithstanding Subsection (c), the corporation may take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under Section 171.806.

Sec. 171.808. ASSIGNMENT PROHIBITED. A corporation may not convey, assign, or transfer the credit allowed under this subchapter to another entity unless all of the assets of the corporation are conveyed, assigned, or transferred in the same transaction.

Sec. 171.809. BIENNIAL REPORT TO LEGISLATURE BY COMPTROLLER. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the members of the legislature a report that states:

(1) the total amount of qualified capital investments made by corporations that claim a credit under this subchapter and the average and median wages paid by those corporations;

(2) the total amount of credits applied against the tax under this chapter and the amount of unused credits including:

(A) the total amount of franchise tax due by corporations claiming a credit under this subchapter before and after the application of the credit;

(B) the average percentage reduction in franchise tax due by corporations claiming a credit under this subchapter;

(C) the percentage of tax credits that were awarded to corporations with fewer than 100 employees; and

(D) the two-digit standard industrial classification of corporations claiming a credit under this subchapter;

(3) the geographical distribution of the qualified capital investments upon which tax credit claims are made under this subchapter; and

(4) the impact of the credit provided under this subchapter on employment, capital investment, personal income, and state tax revenues.

(b) The final report issued prior to the expiration of this subchapter shall include historical information on the credit authorized under this subchapter.

(c) The comptroller may not include in the report information that is confidential by law.

(d) For purposes of this section, the comptroller may require a corporation that claims a credit under this subchapter to submit information, on a form provided by the comptroller, on the location of the corporation's capital investment in this state and any other information necessary to complete the report required under this section.

Sec. 171.810. COMPTROLLER POWERS AND DUTIES. The comptroller shall adopt rules and forms necessary to implement this subchapter.

Sec. 171.811. EXPIRATION. (a) This subchapter expires December 31, 2009.

(b) The expiration of this subchapter does not affect the carryforward of a credit under Section 171.806 or those credits for which a corporation is eligible before the date this subchapter expires.

SECTION _____. The comptroller of public accounts of the State of Texas may combine the reports required under Subchapters O, P, and Q, Chapter 171, Tax Code, as added by this Act, into a single report or may include the reports in any other report made to the legislature.

SECTION _____. (a) This Article takes effect January 1, 2000.

(b) The changes in law made by this Article apply only to a report originally due on or after January 1, 2000. A corporation may claim a credit under Subchapters O, P, and Q, Chapter 171, Tax Code, as added by this Act, only for expenses and payments incurred, qualified investments made, or new jobs created, on or after January 1, 2000.

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

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

HB 551 as again amended was finally passed by a viva voce vote.

COMMITTEE SUBSTITUTE HOUSE BILL 801 ON SECOND READING

On motion of Senator Armbrister 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 third reading:

CSHB 801, Relating to public participation in certain environmental permitting procedures of the Texas Natural Resource Conservation Commission.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 801** by striking all below the enacting clause (Senate Committee Printing, page 1, line 13) and substituting the following:

SECTION 1. Section 5.115(a), Water Code, is amended to read as follows:

(a) For the purpose of an administrative hearing held by or for the commission involving a contested case, "affected person," or "person affected," or "person who may be affected" means a person who has a personal justiciable interest related to a

legal right, duty, privilege, power, or economic interest affected by the administrative hearing. An interest common to members of the general public does not qualify as a personal justiciable interest. ~~[The commission is not required to hold a hearing if the commission determines that the basis of a person's request for a hearing as an affected person is not reasonable or is not supported by competent evidence.]~~ The commission shall adopt rules specifying factors which must be considered in determining whether a person is an affected person in any contested case arising under the air, waste, or water programs within the commission's jurisdiction and whether an affected association is entitled to standing in contested case hearings.

SECTION 2. Chapter 5, Water Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. ENVIRONMENTAL PERMITTING PROCEDURES

Sec. 5.551. PERMITTING PROCEDURES; APPLICABILITY. (a) This subchapter establishes procedures for providing public notice, an opportunity for public comment, and an opportunity for public hearing under Subchapters C-H, Chapter 2001, Government Code, regarding commission actions relating to a permit issued under Chapter 26 or 27 of this code or Chapter 361, Health and Safety Code. This subchapter is procedural and does not expand or restrict the types of commission actions for which public notice, an opportunity for public comment, and an opportunity for public hearing are provided under Chapter 26 or 27 of this code or Chapter 361, Health and Safety Code.

(b) The commission by rule shall provide for additional notice, opportunity for public comment, or opportunity for hearing to the extent necessary to satisfy a requirement for United States Environmental Protection Agency authorization of a state permit program.

(c) In this subchapter, "permit" means a permit, approval, registration, or other form of authorization required by law for a person to engage in an action.

Sec. 5.552. NOTICE OF INTENT TO OBTAIN PERMIT. (a) The executive director shall determine when an application is administratively complete.

(b) Not later than the 30th day after the date the executive director determines the application to be administratively complete:

(1) the applicant shall publish notice of intent to obtain a permit at least once in the newspaper of largest circulation in the county in which the facility to which the application relates is located or proposed to be located; and

(2) the chief clerk of the commission shall mail notice of intent to obtain a permit to:

(A) the state senator and representative who represent the general area in which the facility is located or proposed to be located;

(B) the mayor and health authorities of the municipality in which the facility is located or proposed to be located;

(C) the county judge and health authorities of the county in which the facility is located or proposed to be located; and

(D) the river authority in which the facility is located or proposed to be located if the application is under Chapter 26, Water Code.

(c) The commission by rule shall establish the form and content of the notice. The notice must include:

(1) the location and nature of the proposed activity;

(2) the location at which a copy of the application is available for review and copying as provided by Subsection (e);

(3) a description, including a telephone number, of the manner in which a person may contact the commission for further information;

(4) a description, including a telephone number, of the manner in which a person may contact the applicant for further information;

(5) a description of the procedural rights and obligations of the public, printed in a font style or size that clearly provides emphasis and distinguishes it from the remainder of the notice;

(6) a description of the procedure by which a person may be placed on a mailing list in order to receive additional information about the application;

(7) the time and location of any public meeting to be held under Subsection (f); and

(8) any other information the commission by rule requires.

(d) In addition to providing notice under Subsection (b)(1), the applicant shall comply with any applicable public notice requirements under Chapters 26 and 27 of this code, Chapter 361, Health and Safety Code, and rules adopted under those chapters.

(e) The applicant shall make a copy of the application available for review and copying at a public place in the county in which the facility is located or proposed to be located.

(f) The applicant, in cooperation with the executive director, may hold a public meeting in the county in which the facility is located or proposed to be located in order to inform the public about the application and obtain public input.

Sec. 5.553. PRELIMINARY DECISION; NOTICE AND PUBLIC COMMENT.

(a) The executive director shall conduct a technical review of and issue a preliminary decision on the application.

(b) The applicant shall publish notice of the preliminary decision in a newspaper.

(c) The commission by rule shall establish the form and content of the notice, the manner of publication, and the duration of the public comment period. The notice must include:

(1) the information required by Sections 5.552(c)(1)-(5);

(2) a summary of the preliminary decision;

(3) the location at which a copy of the preliminary decision is available for review and copying as provided by Subsection (e);

(4) a description of the manner in which comments regarding the preliminary decision may be submitted; and

(5) any other information the commission by rule requires.

(d) In addition to providing notice under this section, the applicant shall comply with any applicable public notice requirements under Chapters 26 and 27 of this code, Chapter 361, Health and Safety Code, and rules adopted under those chapters.

(e) The applicant shall make a copy of the preliminary decision available for review and copying at a public place in the county in which the facility is located or proposed to be located.

Sec. 5.554. PUBLIC MEETING. During the public comment period, the executive director may hold one or more public meetings in the county in which the facility is located or proposed to be located. The executive director shall hold a public meeting:

(1) on the request of a member of the legislature who represents the general area in which the facility is located or proposed to be located; or

(2) if the executive director determines that there is substantial public interest in the proposed activity.

Sec. 5.555. RESPONSE TO PUBLIC COMMENTS. (a) The executive director, in accordance with procedures provided by commission rule, shall file with the chief clerk of the commission a response to each relevant and material public comment on the preliminary decision filed during the public comment period.

(b) The chief clerk of the commission shall transmit the executive director's decision, the executive director's response to public comments, and instructions for requesting that the commission reconsider the executive director's decision or hold a contested case hearing to:

(1) the applicant;

(2) any person who submitted comments during the public comment period; and

(3) any person who requested to be on the mailing list for the permit action.

Sec. 5.556. REQUEST FOR RECONSIDERATION OR CONTESTED CASE HEARING. (a) A person may request that the commission reconsider the executive director's decision or hold a contested case hearing. A request must be filed with the commission during the period provided by commission rule.

(b) The commission shall act on a request during the period provided by commission rule.

(c) The commission may not grant a request for a contested case hearing unless the commission determines that the request was filed by an affected person as defined by Section 5.115.

(d) The commission may not refer an issue to the State Office of Administrative Hearings for a hearing unless the commission determines that the issue:

(1) involves a disputed question of fact;

(2) was raised during the public comment period; and

(3) is relevant and material to the decision on the application.

(e) If the commission grants a request for a contested case hearing it shall:

(1) limit the number and scope of the issues to be referred to the State Office of Administrative Hearings for a hearing; and

(2) consistent with the nature and number of the issues to be considered at the hearing, specify the maximum expected duration of the hearing.

(f) This section does not preclude the commission from holding a hearing if it determines that the public interest warrants doing so.

SECTION 3. Subchapter B, Chapter 26, Water Code, is amended by adding Section 26.0286 to read as follows:

Sec. 26.0286. PROCEDURES APPLICABLE TO PERMITS FOR CERTAIN CONCENTRATED ANIMAL FEEDING OPERATIONS. (a) In this section, "sole-source surface drinking water supply" means a body of surface water that:

(1) is designated as a public water supply in rules adopted by the commission under Section 26.023; and

(2) is the single source of supply of a public water supply system, exclusive of emergency water interconnections.

(b) The commission shall process an application for authorization to construct or operate a concentrated animal feeding operation as a specific permit under Section 26.028 subject to the procedures provided by Subchapter M, Chapter 5, if the concentrated animal feeding operation is located or proposed to be located:

(1) in the watershed of a sole-source surface drinking water supply; and
(2) sufficiently close, as determined by the commission by rule, to an intake of a public water supply system in the sole-source surface drinking water supply that contaminants discharged from the concentrated animal feeding operation could potentially affect the public drinking water supply.

SECTION 4. Section 361.088, Health and Safety Code, is amended by amending Subsection (c) and by adding Subsections (e) and (f) to read as follows:

(c) Except as provided by Subsection (e), before [Before] a permit is issued, amended, extended, or renewed, the commission shall provide an opportunity for a hearing to the applicant and persons affected. The commission may also hold a hearing on its own motion.

(e) After complying with Sections 5.552-5.555, Water Code, the commission, without providing an opportunity for a contested case hearing, may act on an application to renew a permit for:

(1) storage of hazardous waste in containers, tanks, or other closed vessels if the waste:

(A) was generated on-site; and

(B) does not include waste generated from other waste transported to the site; and

(2) processing of hazardous waste if:

(A) the waste was generated on-site;

(B) the waste does not include waste generated from other waste transported to the site; and

(C) the processing does not include thermal processing.

(f) Notwithstanding Subsection (e), if the commission determines that an applicant's compliance history for the preceding five years raises an issue regarding the applicant's ability to comply with a material term of its permit, the commission shall provide an opportunity to request a contested case hearing.

SECTION 5. Section 382.056, Health and Safety Code, is amended by amending Subsections (a), (b), (d), and (e) and adding Subsections (f)-(p) to read as follows:

(a) An applicant for a permit under Section 382.0518 or ~~382.054~~ or a permit renewal review under Section 382.055 shall publish notice of intent to obtain the permit or permit review not later than the 30th day after the date the commission determines the application to be administratively complete. The commission by rule shall ~~may~~ require an applicant for a federal operating permit under Section 382.054 to publish notice of intent to obtain a permit or permit review consistent with federal requirements and with the requirements of Subsection (b) [this section]. The applicant shall publish the notice at least once in a newspaper of general circulation in the municipality in which the facility or federal source is located or is proposed to be located or in the municipality nearest to the location or proposed location of the facility or federal source. If the elementary or middle school nearest to the facility or proposed facility provides a bilingual education program as required by Subchapter B, Chapter 29, Education Code, the applicant shall also publish the notice at least once in an additional publication of general circulation in the municipality or county in which the facility is located or proposed to be located that is published in the language taught in the bilingual education program. This requirement is waived if such a publication does not exist or if the publisher refuses to publish the notice. The commission by rule shall prescribe the form and content of the notice and when notice must be published,

The commission [and] may require publication of additional notice. The commission by rule shall prescribe alternative procedures for publication of the notice in a newspaper if the applicant is a small business stationary source as defined by Section 382.0365 and will not have a significant effect on air quality. The alternative procedures must be cost-effective while ensuring adequate notice. Notice required to be published under this section shall only be required to be published in the United States.

(b) The notice must include:

(1) a description of the location or proposed location of the facility or federal source;

(2) the location at which a copy of the application is available for review and copying as provided by Subsection (d) [a statement that a person who may be affected by emissions of air contaminants from the facility, proposed facility, or federal source is entitled to request a hearing from the commission];

(3) a description, including a telephone number, of the manner in which the commission may be contacted for further information; [and]

(4) a description, including a telephone number, of the manner in which the applicant may be contacted for further information;

(5) a description of the procedural rights and obligations of the public, printed in a font style or size that clearly provides emphasis and distinguishes it from the remainder of the notice, that includes a statement that a person who may be affected by emissions of air contaminants from the facility, proposed facility, or federal source is entitled to request a hearing from the commission;

(6) a description of the procedure by which a person may be placed on a mailing list in order to receive additional information about the application;

(7) the time and location of any public meeting to be held under Subsection (e); and

(8) any other information the commission by rule requires.

(d) The applicant shall make a copy of the application available for review and copying at a public place in the county in which the facility or federal source is located or proposed to be located.

(e) The applicant, in cooperation with the executive director, may hold a public meeting in the county in which the facility or federal source is located or proposed to be located in order to inform the public about the application and obtain public input.

(f) The executive director shall conduct a technical review of and issue a preliminary decision on the application.

(g) If, in response to the notice published under Subsection (a) for a permit under Section 382.0518 or a permit renewal review under Section 382.055, a person requests during the period provided by commission rule that the commission hold a public hearing and the request is not withdrawn before the date the preliminary decision is issued, the applicant shall publish notice of the preliminary decision in a newspaper, and the commission shall seek public comment on the preliminary decision. The commission shall consider the request for public hearing under the procedures provided by Subsections (i)-(n). The commission may not seek further public comment or hold a public hearing under the procedures provided by Subsections (i)-(n) in response to a request for a public hearing on [Except as provided by Section 382.0561 or Subsection (e), the commission or its delegate shall hold a public hearing on the permit application or permit renewal application before granting the permit or renewal if a person who may be affected by the emissions, or a member

of the legislature from the general area in which the facility or proposed facility is located, requests a hearing within the period set by commission rule. The commission shall not hold a hearing if the basis of a request by a person who may be affected is determined to be unreasonable. Reasons for which a request for a hearing on a permit amendment, modification, or renewal shall be considered to be unreasonable include, but are not limited to,] an amendment, modification, or renewal that would not result in an increase in allowable emissions and would not result in the emission of an air contaminant not previously emitted.

(h) If, in response to the notice published under Subsection (a) for a permit under Section 382.054, a person requests during the public comment period provided by commission rule that the commission hold a public hearing, the commission shall consider the request under the procedures provided by Section 382.0561 and not under the procedures provided by Subsections (i)-(n).

(i) The commission by rule shall establish the form and content of the notice, the manner of publication, and the duration of the public comment period. The notice must include:

(1) the information required by Subsection (b);

(2) a summary of the preliminary decision;

(3) the location at which a copy of the preliminary decision is available for review and copying as provided by Subsection (j);

(4) a description of the manner in which comments regarding the preliminary decision may be submitted; and

(5) any other information the commission by rule requires.

(j) The applicant shall make a copy of the preliminary decision available for review and copying at a public place in the county in which the facility is located or proposed to be located.

(k) During the public comment period, the executive director may hold one or more public meetings in the county in which the facility is located or proposed to be located. The executive director shall hold a public meeting:

(1) on the request of a member of the legislature who represents the general area in which the facility is located or proposed to be located; or

(2) if the executive director determines that there is substantial public interest in the proposed activity.

(l) The executive director, in accordance with procedures adopted by the commission by rule, shall file with the chief clerk of the commission a response to each relevant and material public comment on the preliminary decision filed during the public comment period.

(m) The chief clerk of the commission shall transmit the executive director's decision, the executive director's response to public comments, and instructions for requesting that the commission reconsider the executive director's decision or hold a contested case hearing to:

(1) the applicant;

(2) any person who submitted comments during the public comment period;

(3) any person who requested to be on the mailing list for the permit action; and

(4) any person who timely filed a request for a public hearing in response to the notice published under Subsection (a).

(n) Except as provided by Section 382.0561, the commission shall consider a request that the commission reconsider the executive director's decision or hold a

public hearing in accordance with the procedures provided by Section 5.556, Water Code.

(o) [Ⓞ] Notwithstanding other provisions of this chapter, the commission may hold a hearing on a permit amendment, modification, or renewal if the commission [board] determines that the application involves a facility for which the applicant's compliance history contains violations which are unresolved and which constitute a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations.

(p) The commission by rule shall provide for additional notice, opportunity for public comment, or opportunity for public hearing to the extent necessary to satisfy a requirement to obtain or maintain delegation or approval of a federal program.

SECTION 6. Section 2003.047, Government Code, is amended by amending Subsections (e)-(j) and adding Subsections (k)-(o) to read as follows:

(e) In referring a matter for hearing [When the office receives jurisdiction of a proceeding], the commission shall provide to the administrative law judge a list of disputed issues. The commission shall specify the date by which the administrative law judge is expected to complete the proceeding and provide a proposal for decision to the commission. The administrative law judge may extend the proceeding if the administrative law judge determines that failure to grant an extension would deprive a party of due process or another constitutional right. The administrative law judge shall establish a docket control order designed to complete the proceeding by the date specified by the commission.

(f) Except as otherwise provided by this subsection, the scope of the hearing is limited to the issues referred by the commission. On the request of a party, the administrative law judge may consider an issue that was not referred by the commission if the administrative law judge determines that:

- (1) the issue is material;
- (2) the issue is supported by evidence; and
- (3) there are good reasons for the failure to supply available information regarding the issue during the public comment period.

(g) The scope of permissible discovery is limited to:

(1) any matter reasonably calculated to lead to the discovery of admissible evidence regarding any issue referred to the administrative law judge by the commission or that the administrative law judge has agreed to consider; and

- (2) the production of documents:
 - (A) reviewed or relied on in preparing application materials or selecting the site of the proposed facility; or
 - (B) relating to the ownership of the applicant or the owner or operator of the facility or proposed facility.

(h) The commission by rule shall:

- (1) provide for subpoenas and commissions for depositions; and
- (2) require that discovery be conducted in accordance with the Texas Rules of Civil Procedure, except that the commission by rule shall determine the level of discovery under Rule 190, Texas Rules of Civil Procedure, appropriate for each type of case considered by the commission, taking into account the nature and complexity of the case.

~~(i)~~ [or areas that must be addressed. In addition, the commission may identify and provide to the administrative law judge at any time additional issues or areas that must be addressed.

~~(f)~~ The office and the commission jointly shall adopt rules providing for certification to the commission of an issue that involves an ultimate finding of compliance with or satisfaction of a statutory standard the determination of which is committed to the discretion or judgment of the commission by law. The rules must address, at a minimum, the issues that are appropriate for certification and the procedure to be used in certifying the issue. Each agency shall publish the jointly adopted rules.

~~(j)~~ ~~(g)~~ An administrative law judge hearing a case on behalf of the commission, on the judge's own motion or on motion of a party and after notice and an opportunity for a hearing, may impose appropriate sanctions as provided by Subsection ~~(k)~~ ~~(h)~~ against a party or its representative for:

(1) filing a motion or pleading that is groundless and brought:

(A) in bad faith;

(B) for the purpose of harassment; or

(C) for any other improper purpose, such as to cause unnecessary delay or needless increase in the cost of the proceeding;

(2) abuse of the discovery process in seeking, making, or resisting discovery; or

(3) failure to obey an order of the administrative law judge or the commission.

~~(k)~~ ~~(h)~~ A sanction imposed under Subsection ~~(j)~~ ~~(g)~~ may include, as appropriate and justified, issuance of an order:

(1) disallowing further discovery of any kind or of a particular kind by the offending party;

(2) charging all or any part of the expenses of discovery against the offending party or its representatives;

(3) holding that designated facts be considered admitted for purposes of the proceeding;

(4) refusing to allow the offending party to support or oppose a designated claim or defense or prohibiting the party from introducing designated matters in evidence;

(5) disallowing in whole or in part requests for relief by the offending party and excluding evidence in support of those requests; and

(6) striking pleadings or testimony, or both, in whole or in part.

~~(l)~~ ~~(i)~~ ~~(h)~~ After hearing evidence and receiving legal argument, an administrative law judge shall make findings of fact, conclusions of law, and any ultimate findings required by statute, all of which shall be separately stated. The administrative law judge shall make a proposal for decision to the commission and shall serve the proposal for decision on all parties. An opportunity shall be given to each party to file exceptions to the proposal for decision and briefs related to the issues addressed in the proposal for decision. The commission shall consider and act on the proposal for decision.

~~(m)~~ ~~(e)~~ Except as provided in Section 361.0832, Health and Safety Code, the commission shall consider the proposal for decision prepared by the administrative law judge, the exceptions of the parties, and the briefs and argument of the parties. The

commission may amend the proposal for decision, including any finding of fact, but any such amendment thereto and order shall be based solely on the record made before the administrative law judge. Any such amendment by the commission shall be accompanied by an explanation of the basis of the amendment. The commission may also refer the matter back to the administrative law judge to reconsider any findings and conclusions set forth in the proposal for decision or take additional evidence or to make additional findings of fact or conclusions of law. The commission shall serve a copy of the commission's order, including its finding of facts and conclusions of law, on each party.

(n) [(3)] The provisions of Chapter 2001[;] shall apply to contested case hearings for the commission to the extent not inconsistent with this section.

(o) [(4)] An administrative law judge hearing a case on behalf of the commission may not, without the agreement of all parties, issue an order referring the case to an alternative dispute resolution procedure if the commission has already conducted an unsuccessful alternative dispute resolution procedure. If the commission has not already conducted an alternative dispute resolution procedure, the administrative law judge shall consider the commission's recommendation in determining whether to issue an order referring the case to the procedure.

SECTION 7. (a) This Act takes effect September 1, 1999.

(b) The changes in law made by this Act apply only to an application to issue, amend, or renew a permit that is declared to be administratively complete on or after the effective date of this Act. An application to issue, amend, or renew a permit that was declared to be administratively complete before the effective date of this Act is governed by the former law, and that law is continued in effect for that purpose.

(c) The changes in law made by Section 5 of this Act do not expand or restrict the types of actions of the Texas Natural Resource Conservation Commission for which public notice, an opportunity for public comment, and an opportunity for public hearing under Subchapters C-H, Chapter 2001, Government Code, are provided under Chapter 382, Health and Safety Code.

SECTION 8. 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.

Senator Armbrister offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSHB 801** by adding a new SECTION to the bill, appropriately numbered, to read as follows:

SECTION ____. Section 26.0135(h), Water Code, is amended to read as follows:

(h) The commission shall apportion, assess, and recover the reasonable costs of administering the water quality management programs under this section from users of water and wastewater permit holders in the watershed according to the records of the commission generally in proportion to their right, through permit or contract, to use water from and discharge wastewater in the watershed. Irrigation water rights and hydroelectric rights of facilities of less than five

megawatts will not be subject to this assessment. The cost to river authorities and others to conduct water quality monitoring and assessment shall be subject to prior review and approval by the commission as to methods of allocation and total amount to be recovered. The commission shall adopt rules to supervise and implement the water quality monitoring, assessment, and associated costs. The rules shall ensure that water users and wastewater dischargers do not pay excessive amounts, that program funds are equitably apportioned among basins, that a river authority may recover no more than the actual costs of administering the water quality management programs called for in this section, and that no municipality shall be assessed cost for any efforts that duplicate water quality management activities described in Section 26.177 of this chapter. The rules concerning the apportionment and assessment of reasonable costs shall provide for a recovery of not more than \$5,000,000 annually. Costs recovered by the commission are to be deposited to the credit of the water resource management account and may be used only to accomplish the purposes of this section. The commission may apply not more than 10 percent of the costs recovered annually toward the commission's overhead costs for the administration of this section and the implementation of regional water quality assessments. The commission, with the assistance and input of each river authority, shall file a written report accounting for the costs recovered under this section with the governor, the lieutenant governor, and the speaker of the house of representatives on or before December 1 of each even-numbered year.

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Senator Armbrister offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 3

Amend Floor Amendment No. 1 to **CSHB 801** as follows:

(1) On page 4, line 7, strike the "Section 26.0286" and "Sections 26.0286 and 26.0287";

(2) On page 4, after line 37, insert the following:

Sec. 26.0287. PROCEDURES APPLICABLE TO PERMITS FOR WATER POLLUTION CONTROL AND ABATEMENT PROGRAMS AND REGULATION AND CONTROL OF NONPOINT SOURCE WATER POLLUTION. (a) In this section, "program" means an ordinance, regulation or methodology promulgated under Section 26.177, Water Code.

(b) A city may not enforce or adopt a program under Section 26.177 unless the program has been permitted under Subchapter M, Chapter 5.

(c) In addition to the procedures provided in Subchapter M, Chapter 5, any person affected by a program in existence on the effective date of this Act may request the commission to review the program. The commission shall commence a review of the program within 60 days of the request being filed. In reviewing the program, the commission shall determine whether the program meets the goals of Section 26.177 and whether the program is equitable and uniform for water pollution control and abatement or the regulation or control of nonpoint source water pollution throughout the city. During the pendency of the review, the program may not be enforced, and the rules of the commission regarding water pollution control and abatement and the

regulation or control of nonpoint source water pollution shall be applied in the area affected by the program.

(d) The commission shall not approve or issue a permit under this section pursuant to Subchapter M, Chapter 5, for a program to a city that has any part of its extraterritorial jurisdiction in a county that has within its boundaries at least one groundwater conservation district and that is not in the county in which a majority of the territory inside the city's corporate boundaries is located unless the commission has received the written consent of:

(1) the commissioner's court of the county; and

(2) the groundwater conservation districts in the county.

If the county does not grant consent to the city, the county must develop a program under Section 26.177 and apply to the commission for a permit under this section and Subchapter M, Chapter 5.

(e) Subsection (d) does not apply to:

(1) a city principally located in a county in which a subsidence district is located; or

(2) a city with a population of less than 160,000 located in more than one county.

(f) A city to which subsection (d) applies may not enforce a water pollution control and abatement program or regulate or control nonpoint source water pollution in any part of the city's extraterritorial jurisdiction that is located in the county described in subsection (d) without an environmental permit issued by the commission pursuant to this section and Subchapter M, Chapter 5.

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

(Senator Brown in Chair)

Senator Armbrister offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 4

Amend Floor Amendment No. 1 to **CSHB 801** by adding the following new section:

Section _____. Chapter 361, Health and Safety Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. SCRAP TIRE FUND, PERMITTING PROCEDURES

Sec. 361.461 DEFINITION. In this subchapter, "scrap tire" has the meaning assigned by Section 361.112.

Sec. 361.462 SCRAP TIRE FUND. (a) A person who sells new tires not for resale shall collect at the time and place of the sale a scrap tire enforcement fee of 50 cents for each new tire sold with a rim diameter of 12 inches or greater.

(b) A person required to collect this fee shall remit the fees collected to the comptroller for the scrap tire fund. The fund is a special account in the general revenue fund.

(c) The Commission shall adopt rules governing the use of the fund. The fund may only be used to pay:

(1) for remediation and enforcement of illegally discarded scrap tires;

(2) for creation of a strict manifest system to track the flow of scrap tires to end use markets;

(3) for development of additional end use markets;

(4) the commission's administrative costs under this subchapter; and

(5) the comptroller's administrative costs under this subchapter.

Sec. 361.463 PERMITTING PROCEDURES. The commission by rule may establish permitting procedures as provided by Chapter 5, Water Code, Subchapter M to govern end use markets.

The amendment to Floor Amendment No. 1 was read.

POINT OF ORDER

Senator Ratliff raised a point of order that Floor Amendment No. 4 was not germane to the body of the bill.

POINT OF ORDER RULING

The Presiding Officer ruled that the point of order was well-taken and sustained.

Senator Bernsen offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 5

Amend Floor Amendment No. 1 to **CSHB 801** as follows:

(1) In SECTION 2 of the bill, Section 5.556 of the Water Code (Committee Printing page 3, line 56), add a new Subsection (g) to read as follows:

"(g) Notwithstanding other provisions of this chapter, the commission shall hold a hearing on a permit amendment, modification, or renewal if the executive director determines that the applicant operates any facility for which the applicant's compliance history contains violations constituting a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations. Upon finding such conduct, the commission shall deny the permit, amendment, modification or renewal."

(2) In SECTION 16 of the bill, Section 382.056 of the Health & Safety Code (Committee Printing page 12, lines 34-42), strike subsection (o) and substitute the following:

"(o) [(e)] Notwithstanding other provisions of this chapter, the commission shall [may] hold a hearing on a permit amendment, modification, or renewal if the executive director [board] determines that the applicant operates any [application involves a] facility for which the applicant's compliance history contains violations constituting [which are unresolved and which constitute] a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations. Upon finding such conduct, the commission shall deny the permit, amendment, modification or renewal."

The amendment to Floor Amendment No. 1 was read.

Senator Nixon offered the following amendment to Floor Amendment No. 5:

Floor Amendment No. 6

Amend Floor Amendment No. 5 to Floor Amendment No. 1 to **CSHB 801** as follows:

(1) In SECTION 2 of the bill, Section 5.556 of the Water Code (Committee Printing page 3, line 56), add a new Subsection (g) to read as follows:

"(g) Notwithstanding other provisions of this chapter, the commission may hold a hearing on a permit amendment, modification, or renewal if the executive director determines that the applicant operates any facility for which the applicant's compliance history contains violations constituting a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations. Upon finding such conduct, the commission shall deny the permit, amendment, modification or renewal."

(2) In SECTION 16 of the bill, Section 382.056 of the Health & Safety Code (Committee Printing page 12, lines 34-42), strike subsection (o) and substitute the following:

"(o) [(e)] Notwithstanding other provisions of this chapter, the commission may [may] hold a hearing on a permit amendment, modification, or renewal if the executive director [board] determines that the applicant operates any [application involves a] facility for which the applicant's compliance history contains violations constituting [which are unresolved and which constitute] a recurring pattern of egregious conduct which demonstrates a consistent disregard for the regulatory process, including the failure to make a timely and substantial attempt to correct the violations. Upon finding such conduct, the commission shall deny the permit, amendment, modification or renewal."

The amendment to Floor Amendment No. 5 was read.

On motion of Senator Ratliff, Floor Amendment No. 6 was tabled by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 5, the amendment was adopted by the following vote: Yeas 25, Nays 1.

Nays: Nixon.

Absent: Duncan, Fraser, Jackson, Ogden.

Absent-excused: Luna.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

On motion of Senator Armbrister 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 third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 801 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 801** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

CSHB 801 was read third time and was passed by a viva voce vote.

HOUSE BILL 3255 ON SECOND READING

On motion of Senator Carona 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 third reading:

HB 3255, Relating to compensation to certain victims of domestic violence from the compensation to victims of crime fund.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3255** by adding the following sections, appropriately numbered, and renumbering subsequent sections of the bill accordingly:

SECTION _____. The chapter heading to Chapter 51, Human Resources Code, is amended to read as follows:

CHAPTER 51. FAMILY VIOLENCE CENTERS [~~SHELTERS~~]

SECTION _____. Section 51.002, Human Resources Code, is amended to read as follows:

Sec. 51.002. DEFINITIONS. In this chapter:

(1) "Family violence center" includes a family violence shelter center and a family violence nonresidential center.

(2) "Family violence nonresidential center" means a program that:

(A) is operated by a public or private nonprofit organization; and

(B) provides comprehensive services to victims of family violence that do not include providing residential shelter to those victims.

(3) "Family violence shelter center" means a program that is operated by a public or private nonprofit organization and that provides residential and nonresidential [~~shelter and~~] services to victims of family violence.

(4) "Family violence" has the meaning assigned by Chapter 71, Family Code [(2) "Victim of family violence" means:

~~[(A) an adult who is subjected to physical force or the threat of physical force by another who is related by affinity or consanguinity, as determined under Chapter 573, Government Code, to that adult, who is a former spouse of that adult, or who resides in the same household with that adult; or~~

~~[(B) an individual, other than an individual using physical force or the threat of physical force, who resides in the same household with a victim of family violence as defined in Paragraph (A) of this subdivision].~~

SECTION _____. Section 51.003, Human Resources Code, is amended to read as follows:

Sec. 51.003. CONTRACTS. (a) The Texas Department of Human Services shall contract for services with family violence [~~shelter~~] centers with consideration given to geographic distribution and need. These contracts are to expand existing family violence [~~shelter~~] center services and may not result in reducing financial support a family violence [~~shelter~~] center receives from another source. The contracts shall not provide for more than 75 percent of the cost of the family violence [~~shelter~~] center program. The department shall develop a declining scale of state financial support for family violence [~~shelter~~] centers, declining over a six-year period from the initiation of each individual contract, with no more than 50 percent of a family violence [~~shelter~~] center program's funding to be provided by the state after the sixth year. The balance each year shall be provided from other sources. The department may adopt rules which will allow exceptions to the above scale in individual instances when a family violence [~~shelter~~] center shall demonstrate that exigent circumstances require such a waiver.

(b) The department shall contract statewide for activities that support and advance the work of family violence [~~shelter~~] centers. Activities contracted for under this subsection [A contract] must include [require] the provision of technical assistance and training for family violence [~~shelter~~] centers. The department may contract for [may require] the provision of public education, consultation to the department, research, evaluation, and liaison and training for other professionals who work with victims of family violence, including professionals in the criminal justice, medical, and social services fields, and for community or civic groups.

(c) The department shall award all contracts made under Subsection (b) through a competitive bidding process unless that process would not be cost-effective.

SECTION _____. Section 51.004, Human Resources Code, is amended to read as follows:

Sec. 51.004. CONTRACT BIDS. (a) To be eligible for a contract under Section 51.003(a) [~~of this code~~], a family violence shelter center [public or private nonprofit organization] must:

(1) provide [operate a family violence shelter center that provides] temporary lodging and social services for adults and their children who have left or have been removed from the family home because of family violence;

(2) [The family violence shelter center must] have been in actual operation offering shelter services 24 hours a day with a capacity for not less than five persons for at least nine months before the date on which [that] the contract is awarded; and

(3) submit a [~~The~~] contract application [must be submitted] on forms prescribed by the department.

(b) To be eligible for a contract under Section 51.003(a), a family violence nonresidential center must:

(1) provide, as its primary purpose, direct delivery of services to victims of family violence that, at a minimum, include:

(A) safety planning;

(B) counseling services;

(C) information regarding legal options and availability of legal services; and

(D) assistance and support in accessing legal services, including accompanying victims in appropriate circumstances;

(2) demonstrate a system of referring victims of family violence to at least one family violence shelter center;

(3) have been providing comprehensive services, including the services described by Subdivision (1), to victims of family violence for at least two years before the date on which the contract is awarded;

(4) demonstrate that the center, through the services it provides, is addressing an otherwise unmet need in the community; and

(5) submit a contract application on forms prescribed by the department.

(c) The department shall consider the following factors in awarding ~~the~~ contracts under Section 51.003(a):

(1) the family violence ~~shelter~~ center's eligibility for and use of funds from the federal government, philanthropic organizations, and voluntary sources;

(2) community support for the family violence ~~shelter~~ center, as evidenced by financial contributions from civic organizations, local governments, and individuals;

(3) evidence that the family violence ~~shelter~~ center provides services that encourage rehabilitation and effectively utilizes community resources;

(4) the endorsement and involvement of local law enforcement officials; and

(5) support for the family violence ~~shelter~~ center through volunteer work, especially volunteer effort by persons who have been victims of family violence.

(d) ~~(c)~~ The department shall use a noncompetitive procurement procedure if the department determines that there is no competition between eligible family violence shelter centers for a service area. If the department determines that there is competition between eligible family violence shelter centers for a service area, the department shall award a contract through a competitive procurement procedure based on the factors in Subsection (c) ~~(b)~~ of this section.

(e) If the department determines that a family violence nonresidential center provides services that would not be otherwise available in the service area, the department shall include the family violence nonresidential center in the noncompetitive procurement procedure under Subsection (d).

SECTION ___. Section 51.005, Human Resources Code, is amended to read as follows:

Sec. 51.005. CONTRACT SPECIFICATIONS. (a) The department shall contract only with family violence ~~shelter~~ centers that fulfill the requirements of this chapter.

(b) The contracts shall require the persons operating a family violence ~~shelter~~ center to:

(1) make a quarterly and an annual financial report on a form prescribed by the department;

(2) cooperate with inspections the department makes to ensure services standards and fiscal responsibility; and

(3) provide as a minimum access to the following:

(A) 24-hour-a-day shelter;

(B) a crisis call hotline available 24 hours a day;

(C) emergency medical care;

(D) counseling services;

(E) emergency transportation;

(F) legal assistance in the civil and criminal justice systems;

- (G) educational arrangements for children;
- (H) information about training for and seeking employment;
- (I) cooperation with criminal justice officials;
- (J) community education;
- (K) a referral system to existing community services; and
- (L) a volunteer recruitment and training program.

(c) The contracts may require the persons operating a family violence [shelter] center to use intake and case study forms. Forms required shall be developed by the department with consultation as outlined in Section 51.008 of this subtitle.

SECTION _____. Section 51.006, Human Resources Code, is amended to read as follows:

Sec. 51.006. REPORT. Not later than November 1 of each even-numbered year, the department shall publish a report that summarizes reports from family violence [shelter] centers under contract with the department and that analyzes the effectiveness of the contracts authorized by this chapter. The reports must include information on the expenditure of funds authorized under this chapter, the services provided, the number of persons for whom a service was provided, and any other information relating to the provision of family violence services. The report may be combined with the report required by Section 21.011. Copies of the report shall be submitted to the governor, the lieutenant governor, the speaker of the house of representatives, the Legislative Budget Board, and the standing committees of the senate and house of representatives having primary jurisdiction over the department.

SECTION _____. Section 51.007, Human Resources Code, is amended to read as follows:

Sec. 51.007. CONFIDENTIALITY. The department may not disclose any information gained through reports, collected case data, or inspections that would identify a particular center or a person working at or receiving services at a family violence [shelter] center.

SECTION _____. Subdivision (3), Subsection (b), Section 30.05, Penal Code, is amended to read as follows:

(3) "Shelter center" has the meaning assigned by Section 51.002 [~~51.002(1)~~], Human Resources Code.

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

On motion of Senator Carona 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 third reading by a viva voce vote.

HOUSE BILL 3255 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3255** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3255 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 153 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 third reading:

HB 153, Relating to establishing a procedure to prevent the fraudulent use of an individual's identification in circumstances affecting proper law enforcement.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 153**, 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."

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 third reading by a viva voce vote.

HOUSE BILL 153 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 **HB 153** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 153 was read third time and was passed by a viva voce vote.

HOUSE BILL 2186 ON SECOND READING

On motion of Senator Ellis 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 third reading:

HB 2186, Relating to summary judgments issued by a court.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2186** as follows:

(1) In SECTION 1, in added Section 40.002, Civil Practice and Remedies Code, (house engrossment, page 1, line 12), strike "WRITTEN FINDINGS REQUIRED." and substitute "WRITTEN FINDINGS REQUIRED; SCOPE OF APPELLATE REVIEW. (a)".

(2) In SECTION 1, in added Section 40.002, Civil Practice and Remedies Code, (house engrossment, page 1, between lines 16 and 17), insert new Subsection (b) to read as follows:

(b) Notwithstanding any other law, any court hearing an appeal from a grant of a motion for summary judgment shall determine the appeal only on the grounds specified in the written findings.

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

RECORD OF VOTE

Senator West asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 1.

On motion of Senator Ellis 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 third reading by a viva voce vote.

RECORD OF VOTE

Senator West asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 2186 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2186** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: West.

Absent-excused: Luna.

HB 2186 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator West asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 2281 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 third reading:

HB 2281, Relating to a program of the Texas Department of Housing and Community Affairs to promote for-profit construction of affordable homes for low and very low income homebuyers.

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

HOUSE BILL 2281 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 **HB 2281** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 2281 was read third time and was passed by a viva voce vote.

HOUSE BILL 3059 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 third reading:

HB 3059, Relating to the operation of the Texas State Affordable Housing Corporation.

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

HOUSE BILL 3059 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 **HB 3059** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3059 was read third time and was passed by a viva voce vote.

HOUSE BILL 3846 ON SECOND READING

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

HB 3846, Relating to the composition of the board of directors of the Sabine River Authority of Texas.

There was objection.

Senator Bernsen then moved to suspend the regular order of business and take up **HB 3846** for consideration at this time.

The motion prevailed by the following vote: Yeas 19, Nays 4.

Yeas: Barrientos, Bernsen, Brown, Cain, Carona, Ellis, Fraser, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Shapiro, Truan, West, Whitmire, Zaffirini.

Nays: Bivins, Ratliff, Sibley, Wentworth.

Absent: Armbrister, Duncan, Gallegos, Jackson, Nixon, Ogden, Shapleigh.

Absent-excused: Luna.

The bill was read second time.

Senator Bernsen offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3846** as follows:

(1) In SECTION 3 of the bill, in Subdivision (1), Subsection (b) (Senate Committee Printing, page 2, line 1), strike "upper" and substitute "lower".

(2) In SECTION 3 of the bill, in Subdivision (2), Subsection (b) (Senate Committee Printing, page 2, line 4), strike "lower" and substitute "upper".

(3) In SECTION 3 of the bill, in Subdivision (3), Subsection (b) (Senate Committee Printing, page 2, line 7), strike "upper" and substitute "lower".

(4) In SECTION 3 of the bill, in Subdivision (4), Subsection (b) (Senate Committee Printing, page 2, line 10), strike "lower" and substitute "upper".

(5) In SECTION 3 of the bill, in Subdivision (5), Subsection (b) (Senate Committee Printing, page 2, line 13), strike "upper" and substitute "lower".

(6) In SECTION 3 of the bill, in Subdivision (6), Subsection (b) (Senate Committee Printing, page 2, line 16), strike "lower" and substitute "upper".

(7) In SECTION 3 of the bill, in Subdivision (7), Subsection (b) (Senate Committee Printing, page 2, line 19), strike "upper" and substitute "lower".

(8) In SECTION 3 of the bill, in Subdivision (8), Subsection (b) (Senate Committee Printing, page 2, line 22), strike "lower" and substitute "upper".

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

RECORD OF VOTE

Senator Ratliff asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 1.

On motion of Senator Bernsen 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 third reading by a viva voce vote.

RECORD OF VOTES

Senators Nixon and Ratliff asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 3846 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 **HB 3846** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 22, Nays 5.

Yeas: Barrientos, Bernsen, Brown, Cain, Carona, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Shapiro, Shapleigh, Truan, West, Whitmire, Zaffirini.

Nays: Bivins, Nixon, Ratliff, Sibley, Wentworth.

Absent: Armbrister, Duncan, Ogden.

Absent-excused: Luna.

HB 3846 was read third time and was passed by the following vote: Yeas 22, Nays 5. (Same as previous roll call)

HOUSE CONCURRENT RESOLUTION 300

The Presiding Officer, Senator Brown in Chair, laid before the Senate the following resolution:

HCR 300, Instructing the enrolling clerk of the house to make corrections in **HB 1976**.

MADLA

The resolution was read.

On motion of Senator Madla and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

BILLS AND RESOLUTIONS SIGNED

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

SB 23, SB 79, SB 99, SB 139, SB 167, SB 172, SB 260, SB 315, SB 322, SB 352, SB 424, SB 445, SB 451, SB 507, SB 519, SB 529, SB 577, SB 621, SB 627, SB 677, SB 734, SB 792, SB 846, SB 851, SB 916, SB 928 (signed subject to Sec. 49-a, Art. III, Texas Constitution), **SB 977, SB 987, SB 1030, SB 1118, SB 1197, SB 1223, SB 1234, SB 1272, SB 1292, SB 1293, SB 1310, SB 1319, SB 1359, SB 1361, SB 1379, SB 1391, SB 1421, SB 1514, SB 1571, SB 1587, SB 1593, SB 1603, SB 1640, SB 1665, SB 1718, SB 1734, SB 1794, SB 1862, SB 1883, SCR 2, SCR 9, SCR 22, SCR 83, SJR 22, HB 217, HB 323, HB 707, HB 820, HB 954, HB 1187, HB 1752, HB 1777, HB 1916, HB 2025, HB 2307, HB 2382, HB 2424, HB 2534, HB 2557, HB 2617, HB 2961, HB 3033, HB 3092, HB 3300, HB 3456, HB 3516, HB 3624, HCR 285, HCR 287, HCR 292, HCR 295, HCR 296.**

(President in Chair)

HOUSE CONCURRENT RESOLUTION 302

The President laid before the Senate the following resolution:

HCR 302, Instructing the enrolling clerk of the house to make a technical correction in **HB 3050**.

DUNCAN

The resolution was read.

On motion of Senator Duncan and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

HOUSE CONCURRENT RESOLUTION 297

The President laid before the Senate the following resolution:

HCR 297, Instructing the enrolling clerk of the house to make corrections in **HB 3091**.

BROWN

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

HOUSE BILL 2155 ON SECOND READING

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

HB 2155, Relating to the creation and operation of the Texas State Board of Mechanical Industries and the regulation of plumbing and mechanical laws and programs by that board; providing penalties.

There was objection.

Senator Harris then moved to suspend the regular order of business and take up **HB 2155** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 3.

Yeas: Armbrister, Bivins, Brown, Carona, Duncan, Ellis, Fraser, Harris, Haywood, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Ratliff, Shapiro, Shapleigh, Wentworth, West.

Nays: Gallegos, Truan, Zaffirini.

Absent: Barrientos, Bernsen, Cain, Jackson, Nixon, Sibley, Whitmire.

Absent-excused: Luna.

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2155** by striking all below the enacting clause and substituting the following:

SECTION 1. The Revised Statutes are amended by adding Title 132B to read as follows:

TITLE 132B. TEXAS STATE BOARD OF MECHANICAL INDUSTRIES

Art. 9150. TEXAS STATE BOARD OF MECHANICAL INDUSTRIES

Sec. 1. DEFINITION. In this article, "board" means the Texas State Board of Mechanical Industries.

Sec. 2. BOARD. (a) The Texas State Board of Mechanical Industries consists of nine members as follows:

(1) one member who has at least 10 years of practical experience as a master plumber;

(2) one member who has at least 10 years of practical experience as a journeyman plumber;

(3) one member who has at least five years of experience as a plumbing contractor or as a licensed air conditioning and refrigeration contractor;

(4) one member who has at least five years of practical experience as a plumbing inspector;

(5) one member who has held an air conditioning and refrigeration class A license or class B license for at least five years;

(6) one member who has at least 10 years as a licensed irrigation contractor; and

(7) three members who are representatives of the public.

(b) Members of the board are appointed by the governor with the advice and consent of the senate.

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

Sec. 3. OFFICERS; MEETINGS; COMPENSATION. (a) The governor shall designate a member of the board as the presiding officer of the board to serve in that capacity at the will of the governor. The board annually shall select an assistant presiding officer and a secretary-treasurer.

(b) The board shall hold at least two regular meetings each year. The board may not hold more than four meetings each year unless at least nine members of the board request the presiding officer in writing to call additional meetings.

(c) A member of the board is entitled to a per diem as set by the General Appropriations Act for each day the member engages in the business of the board. A member may not receive compensation for travel expenses, including expenses for meals and lodging, other than transportation expenses as provided by the General Appropriations Act.

Sec. 4. TERMS. (a) Members of the board are appointed for staggered six-year terms, with three members' terms expiring on February 1 of each odd-numbered year.

(b) A member appointed to fill a vacancy shall hold office for the remainder of that term.

Sec. 5. PUBLIC MEMBERSHIP RESTRICTION. A person may not be a public member of the board if the person or the person's spouse:

(1) is registered, certified, or licensed by a regulatory agency in the field of plumbing or mechanical work;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the board;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the board; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the board other than compensation or reimbursement authorized by law for board membership, attendance, or expenses.

Sec. 6. CONFLICT OF INTEREST RESTRICTIONS. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the board and may not be a board employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of plumbing or mechanical work; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of plumbing or mechanical work.

(c) A person may not be a member of the board or act as the general counsel to the board if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

Sec. 7. EFFECT OF LOBBYING ACTIVITY. A person may not serve as a member of the board or act as the general counsel to the board if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

Sec. 8. GROUNDS FOR REMOVAL FROM BOARD. (a) It is a ground for removal from the board that a member:

(1) does not have at the time of taking office the qualifications required by Section 2 of this article;

(2) does not maintain during service on the board the qualifications required by Section 2 of this article;

(3) is ineligible for membership under Section 5, 6, or 7 of this article;

(4) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year without an excuse approved by a majority vote of the board.

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

(c) If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the board of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest ranking officer of the board, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Sec. 9. STAFF. (a) The board shall employ an executive director and administrative and clerical employees as necessary to carry out the board's functions.

(b) The board shall develop and implement policies that clearly separate the policymaking responsibilities of the board and the management responsibilities of the executive director and staff of the board.

Sec. 10. REGULATORY STATUTES ADMINISTERED. The board shall administer and enforce:

(1) The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes);

(2) the law regulating environmental performance standards for plumbing fixtures, Chapter 372, Health and Safety Code;

(3) the Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes);

(4) the law regulating irrigators, Chapter 34, Water Code; and

(5) the law regulating certain connections to public drinking water, Section 341.033(f), Health and Safety Code.

Sec. 11. ADVISORY COMMITTEES. (a) The board shall appoint a separate advisory committee on each of the following:

- (1) plumbing;
- (2) irrigation;
- (3) air conditioning and refrigeration; and
- (4) backflow prevention.

(b) The board may appoint additional advisory committees as determined to be necessary by a majority of the board.

(c) A member of an advisory committee appointed under this section serves a two-year term. An advisory committee member is not entitled to compensation but is entitled to reimbursement for actual and necessary expenses, including travel expenses, incurred in performing duties as a member of the advisory committee.

Sec. 12. SEPARATE LICENSES. (a) The board shall issue separate licenses, certificates, permits, or registrations for the programs under Section 10 of this article in which a license, certificate, permit, or registration is issued by the board.

(b) The board may issue more than one type of license, certificate, permit, or registration to a person under a law regulated by the board if the person is qualified to hold each of the licenses, certificates, permits, or registrations issued. The board shall adopt rules relating to the issuance of multiple licenses, certificates, permits, or registrations to a person under laws administered by the board.

Sec. 13. EXPENDITURES; AUDIT. (a) The board may authorize, from funds appropriated to it, all necessary disbursements to carry out this article and the laws and programs listed in Section 10 of this article.

(b) The financial transactions of the board are subject to audit by the state auditor in accordance with Chapter 321, Government Code.

Sec. 14. ANNUAL FINANCIAL REPORT. The board shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the board during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.

Sec. 15. PERSONNEL POLICIES. (a) The executive director or the executive director's designee shall develop an intra-agency career ladder program. The program shall require intra-agency posting of all nonentry level positions concurrently with any public posting.

(b) The executive director or the executive director's designee shall develop a system of annual performance evaluations based on measurable job tasks. All merit pay for board employees must be based on the system established under this subsection.

Sec. 16. EQUAL EMPLOYMENT OPPORTUNITY POLICIES. (a) The executive director or the executive director's designee shall prepare and maintain a written policy statement that implements a program of equal employment opportunity to ensure that all personnel decisions are made without regard to race, color, disability, sex, religion, age, or national origin.

(b) The policy statement must include:

(1) personnel policies, including policies relating to recruitment, evaluation, selection, training, and promotion of personnel, that show the intent of the board to avoid the unlawful employment practices described by Chapter 21, Labor Code; and

(2) an analysis of the extent to which the composition of the board's personnel is in accordance with state and federal law and a description of reasonable methods to achieve compliance with state and federal law.

(c) The policy statement must:

(1) be updated annually;

(2) be reviewed by the state Commission on Human Rights for compliance with Subsection (b)(1); and

(3) be filed with the governor's office.

Sec. 17. PUBLIC INTEREST INFORMATION. (a) The board shall prepare information of public interest describing the functions of the board and the board's procedures by which complaints are filed with and resolved by the board. The board shall make the information available to the public and appropriate state agencies.

(b) The board by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the board and the license number of the responsible licensee for the purpose of directing complaints to the board. The board or the responsible licensee, as appropriate, shall provide for that notification:

(1) on each registration form, application, or written contract for services of an individual or entity regulated by the board;

(2) on a sign prominently displayed in the place of business of each individual or entity regulated by the board;

(3) in a bill for service provided by an individual or entity regulated by the board; and

(4) the company name and license number of the responsible licensee shall be displayed on both sides of all vehicles used in conjunction with contracting or performing work regulated by the board.

(c) The board shall list along with its regular telephone number the toll-free telephone number that may be called to present a complaint about a health professional if the toll-free number is established under other state law.

Sec. 18. PUBLIC PARTICIPATION IN BOARD HEARINGS. The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

Sec. 19. PROGRAM ACCESSIBILITY. The board shall prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the board's programs. The board shall also comply with federal and state laws for program and facility accessibility.

Sec. 20. BOARD MEMBER TRAINING; STANDARDS OF CONDUCT INFORMATION. (a) A person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) this article and the statutes enforced by the board;

(2) the programs operated by the board;

(3) the role and functions of the board;

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

- (5) the current budget for the board;
- (6) the results of the most recent formal audit of the board;
- (7) the requirements of:
 - (A) the open meetings law, Chapter 551, Government Code;
 - (B) the public information law, Chapter 552, Government Code;
 - (C) the administrative procedure law, Chapter 2001, Government Code; and
 - (D) other laws relating to public officials, including conflict-of-interest laws; and
- (8) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(c) A person appointed to the board is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The executive director or the executive director's designee shall provide to members of the board and to board employees, as often as necessary, information regarding the requirements for office or employment under this article, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Sec. 21. SUNSET PROVISION. The Texas State Board of Mechanical Industries is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this article expires September 1, 2011.

Sec. 22. PENALTIES. (a) The board shall revoke or suspend a license, endorsement, certification, or registration, probate a license, endorsement, certification, or registration suspension, or reprimand any person or entity regulated by the board for any violation of this article or any regulatory statute administered by the board or any rule adopted under this article or any rule adopted under any regulatory statute administered by the board. A violation of this article shall include but not be limited to: obtaining a license through error or fraud; having recklessly, wilfully, negligently, or arbitrarily violated municipal or other political subdivision rules or ordinances regulating any work governed by the board; making a substantial misrepresentation of services to be provided or which have been provided; making any false promise with intent to influence, persuade, or induce an individual to contract for services. Grounds for suspension or revocation of a license, endorsement, certification, or registration due to suspected incompetence or wilful violation by a licensee may be determined through retesting procedures.

(b) The board may assess an administrative penalty against a person or entity who violates a provision of this article, a law administered by the board, or a rule or order adopted by the board as provided by this section.

(c) The penalty for each violation may be in an amount not to exceed \$1,000. Each day a violation continues or occurs may be considered a separate violation for purposes of penalty assessment. In determining the amount of the penalty, the board shall consider:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited acts and the hazard or potential hazard posed to the health or safety of the public;

(2) the economic damage to property or the environment caused by the violation;

(3) the history of previous violations;

(4) the amount necessary to deter future violations;

(5) efforts to correct the violation; and

(6) any other matter that justice may require.

(d) If the board proposes to assess an administrative penalty, refuse a person's application for licensure, endorsement, certification, or registration, or suspend or revoke a person's license, endorsement, certification, or registration, the person is entitled to a hearing, if requested, governed by the Administrative Procedure Act, Chapter 2001, Government Code.

(e) The executive director or the executive director's staff designee or staff designees shall oversee and conduct investigations, conduct informal conferences, negotiate agreed final orders, draft formal complaints, recommend administrative penalties, and pursue cases involving violations of this article or any regulatory statute administered by the board or any rule adopted under this article or any rule adopted under any regulatory statute administered by the board at the State Office of Administrative Hearings. Proceedings for assessing administrative penalties or for the refusal, suspension, or revocation of a license, endorsement, certification, or registration are subject to the Administrative Procedure Act, Chapter 2001, Government Code.

(f) Within the 30-day period immediately following the day on which a board order assessing an administrative penalty to a person or entity becomes final as provided by Section 2001.144, Government Code, the person or entity charged with the penalty shall:

(1) pay the penalty in full; or

(2) if the person files a petition for judicial review contesting either the fact of the violation or the amount of the penalty or contesting both the fact of the violation and the amount of the penalty:

(A) forward the amount to the board for placement in an escrow account; or

(B) in lieu of payment into escrow, post with the board a supersedeas bond in a form approved by the board for the amount of the penalty, the bond to be effective until all judicial review of the order or decision is final.

(g) If a person charged is financially unable to either forward the amount of the penalty for placement in an escrow account or post a supersedeas bond for the amount of the penalty, the person may satisfy the requirements of Subsection (f)(2) of this section by filing with the board an affidavit sworn by the person charged, stating that the person is financially unable to either forward the amount of the penalty or post a bond.

(h) If the person charged fails to pay the penalty in full as provided under Subsection (f)(1) of this section or forward the money, post the bond, or file the affidavit as provided by Subsection (f) or (g) of this section, the board may forward the matter to the attorney general for enforcement.

(i) Judicial review of the order or decision of the board assessing the penalty shall be under the substantial evidence rule and shall be instituted by filing a petition with a district court in Travis County, as provided by Subchapter G, Chapter 2001, Government Code.

(j) If the penalty is reduced or not assessed by the court, the board shall remit to the person charged the appropriate amount plus accrued interest if the penalty has been paid or shall execute a release of the bond if a supersedeas bond has been posted. The accrued interest on amounts remitted by the board under this subsection shall be paid at a rate equal to the rate charged on loans to depository institutions by the New York Federal Reserve Bank and shall be paid for the period beginning on the date the penalty is paid to the board under Subsection (f) of this section and ending on the date the penalty is remitted.

(k) An administrative penalty collected under Subsection (b) of this section shall be deposited in the general revenue fund.

(l) A person commits an offense if the person violates this article or any regulatory statute administered by the board or any rule adopted under this article or any rule adopted under any regulatory statute administered by the board, engages in activities for which a license, endorsement, certification, or registration is required without a license, endorsement, certification, or registration issued under this article, or employs or utilizes an unlicensed, unendorsed, uncertified, or unregistered person to engage in activities for which a license, endorsement, certification, or registration is required by this article. An offense under this subsection is a Class C misdemeanor.

(m) A field representative of the board or, within the jurisdiction of that municipality or water district, a municipal inspector or water district inspector or other inspector authorized to inspect work regulated by the board, may issue citations to persons who engage in conduct described by Subsection (l) of this section.

(n) Citations issued under Subsection (l) and Subsection (m) of this section may be filed in a county justice court or municipal court for adjudication of the offense or offenses.

Sec. 23. EFFECT OF FEDERAL REGULATIONS. The board shall adopt rules for a law or program regulated by the board as necessary to comply with any federal regulation that imposes standards or requirements on that law or program.

SECTION 2. The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes) is amended by adding Section 1A and amending Section 3A to read as follows:

Sec. 1A. FUNCTIONS TRANSFERRED; BOARD ABOLISHED. (a) This Act is administered by the Texas State Board of Mechanical Industries in accordance with Article 9150, Revised Statutes. To the extent of a conflict between this Act and Article 9150, Revised Statutes, that article prevails.

(b) Any reference in this Act to the Texas State Board of Plumbing Examiners means the Texas State Board of Mechanical Industries.

(c) The Texas State Board of Plumbing Examiners is abolished and the functions of that board are exercised by the Texas State Board of Mechanical Industries.

Sec. 3A. CERTIFICATION RELATING TO RESIDENTIAL WATER TREATMENT FACILITIES. (a) The executive director of the Texas State Board of Mechanical Industries or the executive director's [Commissioner of Health or his] designee shall certify persons as being qualified for the installation, exchange, servicing, and repair of residential water treatment facilities [as defined by Subsection (g) of Section 2 of this Act]. The Texas State Board of Mechanical Industries [Board of Health] shall set standards for certification to ensure the public health and to protect the public from unqualified persons engaging in activities relating to water treatment. Nothing in this section shall be construed to require that persons licensed pursuant to this Act are subject to certification under this section.

(b) ~~[Before a certificate is issued or renewed under this section, an applicant or holder of a certificate shall be required to pay a fee of \$10 a year.]~~ On receipt of the required fee, the Texas State Board of Mechanical Industries ~~[Department of Health]~~ shall issue to a qualified person a certificate stating that the person is qualified for the installation, exchange, servicing, and repair of residential water treatment facilities. The Texas State Board of Mechanical Industries ~~[Board of Health]~~ shall adopt rules establishing classes of certificates, duration of certificates, and fees.

(c) All fees received by the Texas State Board of Mechanical Industries ~~[Department of Health]~~ under this section shall be deposited in the State Treasury to the credit of the General Revenue Fund.

SECTION 3. The Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes) is amended by adding Section 1A to read as follows:

Sec. 1A. FUNCTIONS TRANSFERRED; ADVISORY BOARD ABOLISHED.

(a) This Act is administered by the Texas State Board of Mechanical Industries in accordance with Article 9150, Revised Statutes. To the extent of a conflict between this Act and Article 9150, Revised Statutes, that article prevails.

(b) Any reference in this Act to the Texas Department of Licensing and Regulation, the commissioner of licensing and regulation, or the Air Conditioning and Refrigeration Contractors Advisory Board means the Texas State Board of Mechanical Industries.

(c) The Air Conditioning and Refrigeration Contractors Advisory Board is abolished and the functions of that board and the functions, under this Act, of the Texas Department of Licensing and Regulation and the commissioner of licensing and regulation are exercised by the Texas State Board of Mechanical Industries.

SECTION 4. Section 341.033(f), Health and Safety Code, is amended to read as follows:

(f) A public drinking water supply may not be connected to a sprinkling, condensing, cooling, plumbing, or other system unless the connection is designed to ensure against a backflow or siphonage of sewage or contaminated water into the drinking water supply. Notwithstanding any other provision of this chapter, this subsection is administered by the Texas State Board of Mechanical Industries in accordance with Article 9150, Revised Statutes. To the extent of a conflict between this chapter and Article 9150, Revised Statutes, regarding the administration of this subsection, Article 9150 prevails. Any reference in this chapter to the Texas Natural Resource Conservation Commission, as it applies to this subsection, means the Texas State Board of Mechanical Industries.

SECTION 5. Chapter 372, Health and Safety Code, is amended by adding Section 372.0015 to read as follows:

Sec. 372.0015. FUNCTIONS TRANSFERRED. (a) This chapter is administered by the Texas State Board of Mechanical Industries in accordance with Article 9150, Revised Statutes. To the extent of a conflict between this chapter and Article 9150, Revised Statutes, that article prevails.

(b) Any reference in this chapter to the Texas Natural Resource Conservation Commission means the Texas State Board of Mechanical Industries.

SECTION 6. Chapter 34, Water Code, is amended by adding Section 34.0015 to read as follows:

Sec. 34.0015. FUNCTIONS TRANSFERRED; COUNCIL ABOLISHED.

(a) This chapter is administered by the Texas State Board of Mechanical Industries in accordance with Article 9150, Revised Statutes. To the extent of a conflict between this chapter and Article 9150, Revised Statutes, that article prevails.

(b) Any reference in this chapter to the Texas Natural Resource Conservation Commission or the Texas irrigators advisory council means the Texas State Board of Mechanical Industries.

(c) The Texas irrigators advisory council is abolished and the functions of that board and the functions, under this chapter, of the Texas Natural Resource Conservation Commission are exercised by the Texas State Board of Mechanical Industries.

SECTION 7. (a) As soon as possible after the effective date of this Act, the governor shall appoint the initial members of the Texas State Board of Mechanical Industries in accordance with Article 9150, Revised Statutes, as added by this Act.

(b) A person who is serving on the day immediately before the effective date of this Act as a member of the governing body of an agency abolished by this Act is eligible for appointment to the Texas State Board of Mechanical Industries if the person meets the requirements set forth in Section 2, Article 9150, Revised Statutes, as added by this Act.

(c) In making the initial appointments, the governor shall designate members to serve terms as follows:

- (1) three members to serve for terms expiring February 1, 2001;
- (2) three members to serve for terms expiring February 1, 2003; and
- (3) three members to serve for terms expiring February 1, 2005.

(d) The Texas State Board of Mechanical Industries may not take any action and is not created until the day after the date the last appointee to the initial board takes office. On the date of its creation, the board assumes its functions and:

(1) the Air Conditioning and Refrigeration Contractors Advisory Board, Texas State Board of Plumbing Examiners, and Texas irrigators advisory council are abolished;

(2) the obligations, rights, contracts, records and other property, and personnel of, and unspent money appropriated to or for, the abolished boards and council or the governing body for the laws or programs transferred to the new board under this Act are transferred to the Texas State Board of Mechanical Industries;

(3) the rules of the abolished boards and council or the governing body for the laws or programs transferred to the new board under this Act are continued in effect as rules of the Texas State Board of Mechanical Industries until superseded by rule of the new board;

(4) the licenses, certificates, permits, or registrations in effect that were issued by the abolished boards or council or the governing body for the laws or programs transferred to the new board under this Act are continued in effect as licenses, certificates, permits, or registrations of the Texas State Board of Mechanical Industries;

(5) a complaint or investigation pending before the abolished boards or council or the governing body for the laws or programs transferred to the new board under this Act is transferred without change in status to the Texas State Board of Mechanical Industries;

(6) a contested case pending before the abolished boards and council or the governing body for the laws or programs transferred to the new board under this Act is transferred to the Texas State Board of Mechanical Industries and actions taken in the proceeding are treated as if taken by the Texas State Board of Mechanical Industries; and

(7) any reference in a law to the abolished boards or council means the Texas State Board of Mechanical Industries.

(e) Regardless of the changes in law made by this Act, until the date that the Air Conditioning and Refrigeration Contractors Advisory Board, Texas State Board of Plumbing Examiners, and Texas irrigators advisory council are abolished as provided by this section, the boards and council continue in existence and shall administer their functions under the law that governed the boards and council before the effective date of this Act, and the prior law is continued in effect for that purpose.

(f) The Texas State Board of Mechanical Industries shall adopt rules under this Act not later than December 1, 1999.

SECTION 8. The following laws are repealed:

(1) Sections 3(b), 4, 4a, 5A, 6, and 7, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes);

(2) Section 3A, Air Conditioning and Refrigeration Contractor License Law (Article 8861, Vernon's Texas Civil Statutes); and

(3) Section 34.003, Water Code.

SECTION 9. This Act takes effect September 1, 1999.

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.

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

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 2155**, SECTION 8(1) by striking "3(b)"

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

On motion of Senator Harris 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 third reading by a viva voce vote.

RECORD OF VOTES

Senators Gallegos, Truan, and Zaffirini asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 2155 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2155** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

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

Nays: Gallegos, Truan, Zaffirini.

Absent: Barrientos.

Absent-excused: Luna.

HB 2155 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

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

COMMITTEE SUBSTITUTE HOUSE BILL 1983 ON SECOND READING

The President laid before the Senate as postponed business **CSHB 1983**. The bill was amended on second reading yesterday and further consideration was postponed until today.

CSHB 1983, Relating to the functions of the Advisory Commission on State Emergency Communications and emergency communication districts and to the continuation of the Advisory Commission on State Emergency Communications.

Question—Shall **CSHB 1983** as amended be passed to third reading?

(Senator Fraser in Chair)

Senator Wentworth again offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 1983** by inserting a new Section 34 on page 14, between lines 22 and 23, to read as follows and renumber the remaining sections accordingly:

SECTION 34. Section 772.402, Health and Safety Code, is amended to read as follows:

Sec. 772.402. APPLICATION OF SUBCHAPTER. (a) This subchapter applies only to a county having a population of more than 500,000 ~~1.5 million~~ in which a communication district has not been created under Subchapter B or C.

(b) A communication district created under this subchapter after September 1, 1999 may only be created by a county if:

(1) the county coordinates its 9-1-1 service with all home rule cities within the boundaries of the county;

(2) at least one of the home rule cities within the county has a population greater than 400,000; and

(3) the home rule cities are authorized under Texas law to provide their own 9-1-1 service separate from the state system administered by the commission.

The amendment was again read.

POINT OF ORDER

Senator Sibley raised a point of order that Floor Amendment No. 2 had not been discussed in committee.

POINT OF ORDER RULING

The Presiding Officer ruled that the point of order was well-taken and sustained.

On motion of Senator Madla 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 third reading by a viva voce vote.

RECORD OF VOTE

Senator Ratliff asked to be recorded as "Present-not voting" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 1983 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1983** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Ratliff.

Absent-excused: Luna.

CSHB 1983 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Ratliff asked to be recorded as "Present-not voting" on the final passage of the bill.

HOUSE BILL 2824 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 third reading:

HB 2824, Relating to the subpoena authority of certain licensing agencies.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2824** as follows:

(1) In SECTION 1 of the bill, in proposed Section 50.0225(a), Human Resources Code, between "the board may" and "issue a subpoena" (senate committee printing, page 1, line 14), insert "request that the commissioner of public health or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the board may".

(2) In SECTION 2 of the bill, in proposed Section 8C(a), Chapter 462, Acts of the 68th Legislature, Regular Session, 1983 (Article 4413(51), Vernon's Texas Civil Statutes), between "the council may" and "issue a subpoena" (senate committee

printing, page 1, line 63), insert "request that the commissioner of public health or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the council may".

(3) In SECTION 3 of the bill, in amended Section 11B(a), Licensed Marriage and Family Therapist Act (Article 4512c-1, Vernon's Texas Civil Statutes), between "the board may" and "issue a subpoena" (senate committee printing, page 2, line 48), insert "request that the commissioner of public health or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the board may".

(4) In SECTION 4 of the bill, in proposed Section 5B(a), Chapter 498, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas Civil Statutes), between "the board may" and "issue a subpoena" (senate committee printing, page 4, line 5), insert "request that the commissioner of public health or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the board may".

(5) In SECTION 5 of the bill, in amended Section 16D(a), Licensed Professional Counselor Act (Article 4512g, Vernon's Texas Civil Statutes), between "the board may" and "issue a subpoena" (senate committee printing, page 4, line 54), insert "request that the commissioner of public health or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the board may".

(6) In SECTION 6 of the bill, in amended Section 16C(a), Licensed Dietitian Act (Article 4512h, Vernon's Texas Civil Statutes), between "the board may" and "issue a subpoena" (senate committee printing, page 5, line 55), insert "request that the commissioner or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the board may".

(7) In SECTION 8 of the bill, in proposed Section 24A(a), Chapter 381, Acts of the 68th Legislature, Regular Session, 1983 (Article 4512j, Vernon's Texas Civil Statutes), between "the board may" and "issue a subpoena" (senate committee printing, page 6, line 65), insert "request that the commissioner of public health or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the board may".

(8) In SECTION 9 of the bill, in proposed Section 11B(a), Texas Medical Physics Practice Act (Article 4512n, Vernon's Texas Civil Statutes), between "the board may" and "issue a subpoena" (senate committee printing, page 7, line 66), insert "request that the commissioner of public health or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the board may".

(9) In SECTION 10 of the bill, in proposed Section 19A(a), Licensed Perfusionists Act (Article 4529e, Revised Statutes), between "the board may" and "issue a subpoena" (senate committee printing, page 8, line 45), insert "request that the commissioner or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the board may".

(10) In SECTION 12 of the bill, in proposed Section 1.12C(a), Chapter 366, Acts of the 61st Legislature, Regular Session, 1969 (Article 4566-1.01 et seq., Vernon's Texas Civil Statutes), between "the committee may" and "issue a subpoena" (senate committee printing, page 9, lines 37 and 38), insert "request that the commissioner of public health or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the committee may".

(11) In SECTION 14 of the bill, in proposed Section 6A(a), Orthotics and Prosthetics Act (Article 8920, Revised Statutes), between "the board may" and

"issue a subpoena" (senate committee printing, page 10, line 29), insert "request that the commissioner or the commissioner's designee approve the issuance of a subpoena. If the request is approved, the board may".

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 **HB 2824** as follows:

(1) In SECTION 15 of the bill, strike proposed Subsections (d) and (e) of Section 241.051, Health and Safety Code (senate committee printing, page 11 lines 28-47), and substitute the following:

(d) All information and materials obtained or compiled by the department in connection with a complaint and investigation concerning a hospital are confidential and not subject to disclosure under Section 552.001 et. seq., Government Code, and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the department or its employees or agents involved in the enforcement action except that this information may be disclosed to:

(1) persons involved with the department in the enforcement action against the hospital;

(2) the hospital that is the subject of the enforcement action, or the hospital's authorized representative;

(3) appropriate state or federal agencies that are authorized to inspect, survey or investigate hospital services;

(4) law enforcement agencies; and

(5) persons engaged in bona fide research, if all individual-identifying and hospital-identifying information has been deleted.

(e) The following information is subject to disclosure in accordance with Section 552.001 et. seq., Government Code:

(1) a notice of alleged violation against the hospital, which notice shall include the provisions of law which the hospital is alleged to have violated, and a general statement of the nature of the alleged violation;

(2) the pleadings in the administrative proceeding; and

(3) a final decision or order by the department.

(2) Between existing SECTIONS 15 and 16 of the bill (senate committee printing, page 11, between 47 and 48), insert the following new SECTION of the bill, appropriately numbered:

SECTION __. Section 577.013, Health and Safety Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) All information and materials obtained or compiled by the department in connection with a complaint and investigation concerning a mental hospital licensed under this chapter are confidential and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to anyone other than the department or its employees or agents involved in the enforcement action except that this information may be disclosed to:

(1) persons involved with the department in the enforcement action against the licensed mental hospital;

(2) the licensed mental hospital that is the subject of the enforcement action, or the licensed mental hospital's authorized representative;

(3) appropriate state or federal agencies that are authorized to inspect, survey or investigate licensed mental hospital services;

(4) law enforcement agencies; and

(5) persons engaged in bona fide research, if all individual-identifying information and information identifying the licensed mental hospital has been deleted.

(e) The following information is subject to disclosure in accordance with Section 552.001 et seq., Government Code:

(1) a notice of alleged violation against the licensed mental hospital, which notice shall include the provisions of law which the licensed mental hospital is alleged to have violated, and the nature of the alleged violation;

(2) the pleadings in the administrative proceeding; and

(3) a final decision or order by the department.

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 third reading by a viva voce vote.

HOUSE BILL 2824 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 **HB 2824** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 2824 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 2372 ON THIRD READING

On motion of Senator Ellis 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:

HB 2372, Relating to exempting certain drugs, medicines, and medical devices from the sales tax.

The bill was read third time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2372** by adding the following:

Subchapter H, Chapter 151, Tax Code, is amended by adding Section 151.326 to read as follows:

Sec. 151.326. CLOTHING AND FOOTWEAR FOR LIMITED PERIOD. (a) The sale of an article of clothing or footwear designed to be worn on or about the human body is exempted from the taxes imposed by this chapter if:

(1) the sale price of the article is less than \$100; and

(2) the sale takes place during a sixteen day period beginning at 12:01 a.m. on the first Saturday in August and ending on the following third Sunday at 12 midnight.

(b) This sections does not apply to:

(1) any special clothing or footwear that is primarily designed for athletic activity or protective use and that is not normally worn except when used for the athletic activity or protective use for which it was designed:

(2) accessories, including jewelry, handbags, luggage, umbrellas, wallets, watches and similar items carried on or about the human body, without regard to whether worn on the body in manner characteristic of clothing; and

(3) the rental of clothing or footwear.

(c) On or after January 1, 2000, the governing body of a local taxing authority may repeal the application of this exemption in the manner provided by Chapter 326.

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

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

HB 2372 as again amended was finally passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HOUSE BILL 1884 ON SECOND READING

The Presiding Officer, Senator Fraser in Chair, laid before the Senate as postponed business **HB 1884**. The vote on the adoption of Floor Amendment No. 4 was reconsidered and the bill was postponed to a time certain of 1:00 p.m. today.

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

Question—Shall Floor Amendment No. 4 to **HB 1884** be adopted?

On motion of Senator Harris and by unanimous consent, Floor Amendment No. 4 was withdrawn.

The bill as amended was again passed to third reading by a viva voce vote.

HOUSE BILL 1884 ON THIRD READING

Senator Harris again moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1884** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 1884 was again read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE RULE 9.03(b) SUSPENDED (Local and Uncontested Calendar)

On motion of Senator Harris and by unanimous consent, Senate Rule 9.03(b) was suspended to allow a Local and Uncontested Calendar Session to be held today.

MOTION TO RECESS

On motion of Senator Truan, the Senate at 4:00 p.m. agreed to recess, upon conclusion of the Local and Uncontested Calendar Session, until 7:00 p.m. today.

(Senator Harris in Chair)

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

HB 27 (Jackson) Relating to the medical records of the patient of a physician. (30-0) (30-0)

HB 51 (Gallegos) Relating to the authority of a taxing unit to permit certain persons to perform services or to provide persons to perform services for the taxing unit in lieu of paying ad valorem taxes owed to the unit. (30-0) (30-0)

(Senator Moncrief in Chair)

HB 59 (Duncan) Relating to making a voter information guide for judicial elections available to the public on the Internet. (30-0) (30-0)

HB 89 (Sibley) Relating to the delinquent registration of a motor vehicle. (30-0) (30-0)

HB 91 (Ellis) Relating to prohibiting female genital mutilation; imposing a penalty. (30-0) (30-0)

HB 108 (Madla) Relating to motor vehicle liability insurance for vehicles operated by peace officers in certain counties. (30-0) (30-0)

HB 116 (Harris) Relating to judicial review of a decision by a municipal board of adjustment. (30-0) (30-0)

HB 163 (Bivins) Relating to the offense of possession of a controlled substance or dangerous drug in a correctional facility. (30-0) (30-0)

HB 213 (Nelson) Relating to certain claims for health care services. (30-0) (30-0)

HB 236 (Wentworth) Relating to the composition of the board of directors of certain metropolitan rapid transit authorities. (30-0) (30-0)

HB 243 (Gallegos) Relating to authorizing peace officers to administer certain oaths. (30-0) (30-0)

HB 269 (West) Relating to jury service by public school employees. (30-0) (30-0)

HB 318 (Duncan) Relating to the penalty for a false application for a driver's license or a certificate issued by the Department of Public Safety. (30-0) (30-0)

HB 319 (Cain) Relating to the penalty for tampering with certain governmental records. (30-0) (30-0)

HB 351 (Ellis) Relating to the civil liability of a county tax assessor-collector. (30-0) (30-0)

HB 426 (Haywood) Relating to educational requirements for the executive director of the Texas Animal Health Commission. (30-0) (30-0)

HB 450 (Cain) Relating to disconnection of a telephone call made by an automated dial announcing device. (30-0) (30-0)

HB 496 (Lucio) Relating to the operation of vehicle theft checkpoints near the Mexican border. (30-0) (30-0)

HB 509 (Ellis) Relating to disputes concerning enforcement of deed restrictions in justice court. (30-0) (30-0)

HB 512 (Ellis) Relating to the admissibility in a civil action of certain communications of sympathy. (30-0) (30-0)

HB 524 (Nixon) Relating to the application of the professional prosecutors law to the district attorney of the 1st Judicial District. (30-0) (30-0)

HB 635 (Shapiro) 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. (30-0) (30-0)

HB 641 (Lindsay) Relating to requiring a municipal utility district to disclose to the purchaser of residential real property whether the property is located in a municipality's corporate boundaries or extraterritorial jurisdiction. (30-0) (30-0)

HB 652 (Ratliff) Relating to the application of the sales tax to certain eating utensils. (30-0) (30-0)

HB 656 (Whitmire) Relating to the penalty for sale or delivery of a substance containing a volatile chemical to a minor. (30-0) (30-0)

HB 668 (Armbrister) Relating to missing children, to the duty of law enforcement with respect to missing children, and to certain criminal offenses frequently committed against missing children. (30-0) (30-0)

HB 703 (Barrientos) Relating to the purchase and sale of lottery tickets. (30-0) (30-0)

HB 722 (Nixon) Relating to the number of certified peace officers employed by the Texas Forest Service. (30-0) (30-0)

HB 729 (Duncan) Relating to certain requirements for an insurance carrier that pays workers' compensation benefits. (30-0) (30-0)

HB 747 (Shapleigh) Relating to certain evaluations made by the governing body of a hospital district, hospital authority, or public hospital. (30-0) (30-0)

HB 756 (Madla) Relating to certain meetings held by a nonprofit corporation. (30-0) (30-0)

HB 780 (Ellis) Relating to designation of a municipal court judge as a member of a county bail bond board. (30-0) (30-0)

HB 806 (Carona) Relating to the use of electronic devices for the production and authentication of certain court documents. (30-0) (30-0)

HB 834 (Jackson) Relating to the qualifications of a member of the board of directors of an appraisal district. (30-0) (30-0)

HB 861 (Ellis) Relating to the creation of the offense of coercing, soliciting, or inducing a child to participate in the activities of a criminal street gang. (30-0) (30-0)

HB 916 (Shapleigh) Relating to regulation of outdoor lighting at state-funded entities. (30-0) (30-0)

HB 947 (Harris) Relating to the criminal penalty for a violation of law relating to the regulation of fireworks. (30-0) (30-0)

HB 953 (Brown) Relating to the conducting of a driver education course by the student's grandparent or stepparent. (30-0) (30-0)

HB 955 (Ellis) Relating to providing parties with notice of the attorney of record representing the office of attorney general. (30-0) (30-0)

HB 964 (Zaffirini) Relating to allowing school crossing guards to direct traffic in a school crossing zone. (30-0) (30-0)

HB 965 (Duncan) Relating to certain dealer agreements concerning forestry harvesting and off-road construction equipment. (30-0) (30-0)

HB 969 (Carona) Relating to the definition under certain health benefit plans of treatment for craniofacial abnormalities of a child. (30-0) (30-0)

HB 998 (Jackson) Relating to the prosecution of the offense of burglary. (30-0) (30-0)

HB 1001 (West) Relating to the creation of the criminal offense of unlawful installation of a tracking device on a motor vehicle. (30-0) (30-0)

HB 1027 (Haywood) Relating to the authority of the board of regents of Texas Woman's University to levy fees for student centers. (30-0) (30-0)

HB 1066 (Duncan) Relating to dealers of certain farm and industrial equipment. (30-0) (30-0)

HB 1070 (Truan) Relating to parking privileges of a disabled veteran. (30-0) (30-0)

HB 1078 (Madla) Relating to restoration of benefits to a fire fighter or police officer on reinstatement to a position as a result of a successful appeal of a disciplinary suspension. (30-0) (30-0)

HB 1082 (Ellis) Relating to the composition of the Harris County Juvenile Board. (30-0) (30-0)

HB 1086 (Shapleigh) Relating to liens on manufactured homes. (30-0) (30-0)

- HB 1097** (Madla) Relating to application requirements for participation in the Texas Health Insurance Risk Pool. (30-0) (30-0)
- HB 1103** (Shapiro) Relating to when a vehicle becomes a junked vehicle. (30-0) (30-0)
- HB 1137** (Ellis) Relating to the penalty imposed on certain persons who fail to timely pay or deliver abandoned property. (30-0) (30-0)
- HB 1148** (Madla) Relating to reports related to certain offices within the Texas Department of Economic Development. (30-0) (30-0)
- HB 1159** (Cain) Relating to county regulation of public nuisances. (30-0) (30-0)
- HB 1176** (Wentworth) Relating to certain documents required to be filed with an application for probate of a foreign will. (30-0) (30-0)
- HB 1184** (Gallegos) Relating to the regulation of staff leasing services. (30-0) (30-0)
- HB 1211** (Sibley) Relating to health maintenance organization plans for small employers. (30-0) (30-0)
- HB 1217** (Jackson) Relating to enrollment periods for employer health benefit plans. (30-0) (30-0)
- HB 1219** (Wentworth) Relating to the accounting system in certain counties. (30-0) (30-0)
- HB 1227** (Bernsen) Relating to special license plates to support reading programs of public libraries. (30-0) (30-0)
- HB 1265** (Barrientos) Relating to the penalty for trespassing onto a Superfund site. (30-0) (30-0)
- HB 1321** (Harris) Relating to the authority of a magistrate to impose certain reasonable conditions of bond and to revoke a bond for violation of one of those conditions. (30-0) (30-0)
- HB 1333** (Sibley) Relating to the time limit regarding a protest for potential chargebacks under the unemployment compensation system. (30-0) (30-0)
- HB 1337** (Madla) Relating to evidence of domestic violence in the appointment of a managing conservator for a child. (30-0) (30-0)
- HB 1350** (Lucio) Relating to the jurisdiction of the statutory county courts of Cameron County. (30-0) (30-0)
- HB 1353** (Bernsen) Relating to certain information used for emergency management and disaster services. (30-0) (30-0)
- HB 1354** (Carona) Relating to requiring notice of certain appeal rights to a person insured or applying for medical liability insurance provided through a joint underwriting association. (30-0) (30-0)
- HB 1374** (Madla) Relating to contracts executed by and the election of the board of directors of the Val Verde County Hospital District. (30-0) (30-0)

HB 1425 (Nixon) Relating to a traffic offense committed in a construction or maintenance work zone. (30-0) (30-0)

HB 1432 (Shapiro) Relating to the authority of the Texas Department of Public Safety to charge a fee for processing certain inquiries for certain sex offender registration information. (30-0) (30-0)

HB 1436 (Truan) Relating to designating Farm-to-Market Road 1931 in Alice as Flournoy Road. (30-0) (30-0)

HB 1510 (Shapiro) Relating to documentary fee included in a vehicle retail installment contract. (30-0) (30-0)

HB 1517 (Lucio) Relating to a study and strategic plan concerning the development of the apparel industry in the border region. (30-0) (30-0)

HB 1522 (Armbrister) Relating to prompt payment requirements for work performed by contractors and subcontractors on certain real property. (30-0) (30-0)

HB 1538 (Cain) Relating to the issuance by the Texas Department of Transportation of annual permits to move certain superheavy or oversize equipment on a state highway. (30-0) (30-0)

HB 1545 (Shapleigh) Relating to accessibility standards at polling places and precinct convention places for the elderly and persons with physical disabilities. (30-0) (30-0)

HB 1562 (Carona) Relating to matters that may be referred to a criminal law magistrate in Dallas County. (30-0) (30-0)

HB 1563 (Lindsay) Relating to prohibiting the recording of a plat or replat of a subdivision of real property if ad valorem taxes are delinquent. (30-0) (30-0)

(Senator Madla in Chair)

HB 1575 (Barrientos) Relating to double parking in a central business district. (30-0) (30-0)

HB 1583 (West) Relating to the confidentiality of certain juvenile records or files. (30-0) (30-0)

HB 1586 (Zaffirini) Relating to the coverage by long-term care insurance policies of the parents of an insured or the parents of the spouse of an insured. (30-0) (30-0)

HB 1604 (Ellis) Relating to certain procedures involving the ad valorem taxation of property owned or acquired by a religious organization. (30-0) (30-0)

HB 1606 (Wentworth) Relating to the assignment of visiting judges in certain county courts. (30-0) (30-0)

HB 1616 (Bernsen) Relating to the issuance of volunteer firefighter license plates. (30-0) (30-0)

HB 1618 (Wentworth) Relating to the creation of library districts. (30-0) (30-0)

HB 1627 (Cain) Relating to certain requirements for insurers that contract with municipalities. (30-0) (30-0)

HB 1666 (Armbrister) Relating to the operation of the Nixon Hospital District of Gonzales and Wilson Counties, Texas, and Gonzales Healthcare Systems. (30-0) (30-0)

(Senator Nixon in Chair)

HB 1697 (Barrientos) Relating to eligibility and benefits under public retirement systems for employees of certain municipalities. (30-0) (30-0)

HB 1733 (Zaffirini) Relating to a continuing advisory panel to provide policy guidance concerning special education and related services. (30-0) (30-0)

HB 1743 (Truan) Relating to the registration and the transfer of motor vehicles owned by certain persons on active duty in the armed forces of the United States. (30-0) (30-0)

HB 1754 (Carona) Relating to summoning prospective jurors to justice court. (30-0) (30-0)

HB 1798 (Harris) Relating to the prosecution of theft of services provided at certain service establishments. (30-0) (30-0)

HB 1802 (Jackson) Relating to an affirmative defense to certain gambling offenses committed on an ocean-going vessel. (30-0) (30-0)

HB 1805 (Ellis) Relating to the exemption of insurance benefits from garnishment, attachment, execution, or other seizure. (30-0) (30-0)

HB 1847 (Madla) Relating to the presumed validity of a district act or proceeding. (30-0) (30-0)

HB 1874 (Lucio) Relating to the operation and administration of The University of Texas—Pan American. (30-0) (30-0)

HB 1896 (Barrientos) Relating to the compensation of criminal law magistrates in Travis County. (30-0) (30-0)

HB 1906 (Brown) Relating to special license plates benefiting parks, fisheries, and wildlife. (30-0) (30-0)

HB 1919 (Harris) Relating to legislative review of health care benefits that are mandated to be provided by health benefit plans. (30-0) (30-0)

HB 1925 (Duncan) Relating to the display of certain flags at the Capitol building. (30-0) (30-0)

HB 1956 (Gallegos) Relating to the amendment or termination of restrictive covenants affecting real property in certain historic neighborhoods. (30-0) (30-0)

HB 1999 (Armbrister) Relating to employee benefits available to employees of community supervision and corrections departments. (30-0) (30-0)

HB 2009 (Harris) Relating to the qualifications for service as constable. (30-0) (30-0)

HB 2017 (Carona) Relating to the designation of certain state employees as liaisons to faith-based organizations for the purpose of promoting community services for the needy and to the promotion of cooperation and coordination among certain organizations by local workforce development boards. (30-0) (30-0)

HB 2019 (Ratliff on behalf of Nixon) Relating to the conveyance of certain state-owned real property in Cherokee County to the City of Rusk. (30-0) (30-0)

HB 2032 (Armbrister) Relating to surrender of a suspended or revoked driver's license or vehicle registration. (30-0) (30-0)

HB 2034 (Jackson) Relating to the authority of certain counties to delegate traffic regulation functions. (30-0) (30-0)

HB 2035 (Armbrister) Relating to insurance coverage for employees of certain motor carriers. (30-0) (30-0)

HB 2049 (Madla) Relating to the right of a person entitled to coverage under certain health and accident insurance policies to select certain health care practitioners. (30-0) (30-0)

HB 2057 (Whitmire) Relating to the form for an application for an early voting ballot to be voted by mail. (30-0) (30-0)

HB 2059 (Brown) Relating to the determination of the amount of child support for a child of certain disabled obligors. (30-0) (30-0)

HB 2101 (Ellis) Relating to compliance by financial institutions with requests relating to judgment debtors. (30-0) (30-0)

HB 2109 (Brown) Relating to limits on liability of a taxing unit for storage tanks. (30-0) (30-0)

HB 2135 (Harris) Relating to establishing a mechanic's lien for landscaping installations. (30-0) (30-0)

HB 2146 (Harris) Relating to the application of the sales tax to certain items sold through coin-operated vending machines. (30-0) (30-0)

HB 2151 (Whitmire) Relating to immunity from liability of a member of the board of directors of a public facility corporation. (30-0) (30-0)

HB 2152 (Shapiro) Relating to a partial lump-sum distribution on retirement from the Texas County and District Retirement System. (30-0) (30-0)

HB 2162 (Barrientos) Relating to the process for preparing a development plan before certain state-owned real property is offered for sale or lease. (30-0) (30-0)

HB 2164 (Moncrief) Relating to the appointment of a guardian for certain incapacitated minors. (30-0) (30-0)

HB 2166 (Moncrief) Relating to the appointment of successor guardians for wards of guardianship programs or governmental entities serving as guardians. (30-0) (30-0)

HB 2172 (Cain) Relating to school district compliance with special education laws. (30-0) (30-0)

HB 2201 (Madla) Relating to the authority of a municipal court judge to sit for another municipal court judge under certain circumstances. (30-0) (30-0)

HB 2207 (Ellis) Relating to parking of a commercial motor vehicle in a residential subdivision. (30-0) (30-0)

HB 2219 (Lindsay) Relating to an exemption from investment training for officers and employees of emergency services and rural fire prevention districts. (30-0) (30-0)

HB 2220 (Brown) Relating to refunds of overpayments or erroneous payments of ad valorem taxes. (30-0) (30-0)

HB 2231 (Cain) Relating to the punishment for the offense of burglary of a rail car. (30-0) (30-0)

HB 2247 (Bernsen) Relating to the method of payment of fees for goods sold or services provided by the Texas Department of Transportation or for the administration of Texas Department of Transportation programs. (30-0) (30-0)

HB 2252 (Jackson) Relating to commercial windstorm insurance rates. (30-0) (30-0)

HB 2253 (Jackson) Relating to the operation of the catastrophe reserve trust fund. (30-0) (30-0)

HB 2260 (Gallegos) Relating to contracts for the replacement or repair of public school equipment or public school facilities. (30-0) (30-0)

HB 2265 (Brown) Relating to the Harris County Road Law; providing a civil penalty. (30-0) (30-0)

HB 2269 (Barrientos) Relating to the exemption from ad valorem taxation of property owned by certain charitable organizations performing certain functions. (30-0) (30-0)

HB 2272 (Haywood) Relating to advisory committees to the Parks and Wildlife Commission. (30-0) (30-0)

HB 2274 (Barrientos) Relating to the administration, powers, duties, operation and financing of Wells Branch Municipal Utility District in Travis and Williamson counties. (30-0) (30-0)

(Senator Carona in Chair)

HB 2275 (Wentworth) Relating to the board of directors, boundaries, and financing of the Southwest Travis County Water District. (30-0) (30-0)

HB 2300 (Ellis) Relating to the publication by the Texas Board of Professional Engineers of a roster of engineers. (30-0) (30-0)

HB 2317 (Wentworth) Relating to venue in an action concerning a trust. (30-0) (30-0)

HB 2337 (Cain on behalf of Carona) Relating to additional interest for default on a loan contract including simple interest. (30-0) (30-0)

HB 2388 (Madla) Relating to the sale or lease by a county of real property in connection with certain economic development programs. (30-0) (30-0)

HB 2397 (Nelson) Relating to the Crime Stoppers Advisory Council. (30-0) (30-0)

HB 2408 (Lucio) Relating to notice to tenants of certain changes in policy by a landlord. (30-0) (30-0)

HB 2415 (Sibley) Relating to a junior college district branch campus, center, or extension facility. (30-0) (30-0)

HB 2429 (Zaffirini) Relating to the method used by the comptroller of public accounts to pay vendors and other persons. (30-0) (30-0)

HB 2455 (Ellis) Relating to access for certain persons to the medical records of a child. (30-0) (30-0)

HB 2456 (Wentworth) Relating to the statute of limitations for certain civil actions. (30-0) (30-0)

HB 2469 (Shapiro) Relating to facilities requirements for county jails. (30-0) (30-0)

HB 2511 (Armbrister) Relating to the reporting and transmission of certain information in connection with workers' compensation coverage. (30-0) (30-0)

HB 2513 (Armbrister) Relating to certain workers' compensation benefits and procedures designed to enable an injured worker to return to work. (30-0) (30-0)

HB 2514 (Armbrister) Relating to certain workers' compensation programs conducted to increase worker safety. (30-0) (30-0)

HB 2536 (West) Relating to the salary of the county judge of Dallas County. (30-0) (30-0)

HB 2538 (Cain) Relating to compulsory inspection of certain vehicles to be registered and titled outside this state. (30-0) (30-0)

HB 2541 (Haywood) Relating to traffic offenses occurring in a construction or maintenance work zone. (30-0) (30-0)

HB 2547 (Bernsen) Relating to the operation of the Geo-Technology Research Institute. (30-0) (30-0)

HB 2559 (Ratliff) Relating to increasing the policy limit on stipulated insurance company policies. (30-0) (30-0)

HB 2563 (Ellis) Relating to creation of a pilot program to establish individual development accounts for certain low-income individuals. (30-0) (30-0)

HB 2574 (Brown) Relating to allocation for ad valorem tax purposes of the value of certain business aircraft used outside this state. (30-0) (30-0)

HB 2585 (Cain) Relating to the substitution of and equivalency for the single currency of the European Union in certain contracts, securities, and instruments. (30-0) (30-0)

HB 2603 (Nelson) Relating to appropriations to historical foundations by certain counties. (30-0) (30-0)

HB 2655 (Cain on behalf of Carona) Relating to repossession of a motor vehicle for repair charges. (30-0) (30-0)

HB 2663 (Moncrief) Relating to permitting a commissioners court to authorize payment of certain continuing education expenses incurred by elected county and precinct officers. (30-0) (30-0)

HB 2667 (Shapiro) Relating to the regulation of industrial hygienists; providing a civil penalty. (30-0) (30-0)

HB 2706 (Gallegos) Relating to eligibility for workers' compensation benefits for certain persons who provide certain volunteer services. (30-0) (30-0)

HB 2711 (Cain on behalf of Carona) Relating to restrictions on the deposit and investment of funds of a domestic insurance company. (30-0) (30-0)

HB 2729 (Madla) Relating to regional business certification programs for purchasing by political subdivisions. (30-0) (30-0)

HB 2754 (Sibley) Relating to the administration of risk pools that provide health and accident coverage for political subdivisions. (30-0) (30-0)

HB 2758 (Fraser) Relating to the application of the professional prosecutors law to the district attorney for the 33rd Judicial District. (30-0) (30-0)

HB 2759 (Moncrief) Relating to the prostate cancer education program. (30-0) (30-0)

HB 2764 (Nixon) Relating to the authority of a county to regulate automotive wrecking and salvage yards. (30-0) (30-0)

HB 2769 (Cain) Relating to the disposition of the personal property and security deposit of a deceased residential tenant. (30-0) (30-0)

HB 2781 (Harris) Relating to the definition of a qualified commercial loan. (30-0) (30-0)

HB 2785 (Madla) Relating to the effective date of a change in a boundary of certain political subdivisions for purposes of an election. (30-0) (30-0)

HB 2795 (Zaffirini) Relating to notice and hearing for the appointment of a guardian for incapacitated persons. (30-0) (30-0)

HB 2800 (Cain on behalf of Carona) Relating to requiring a financial institution to maintain certain information from a business account holder. (30-0) (30-0)

HB 2806 (West) Relating to establishing a mentoring program at the University of North Texas. (30-0) (30-0)

HB 2819 (Haywood) Relating to the designation of the interchange at U.S. Highways 83 and 84 and Loop 322 in Abilene as the Sam Waldrop Highway Interchange. (30-0) (30-0)

HB 2822 (Ellis) Relating to the fees charged by a county clerk for probate filings. (30-0) (30-0)

HB 2853 (Ellis) Relating to the provision of insurance for mutual indemnity obligations in certain mineral agreements. (30-0) (30-0)

HB 2856 (Cain on behalf of Carona) Relating to the quantity of alcoholic beverages which may be sold by package store and wine only package store permittees in a single transaction. (30-0) (30-0)

HB 2858 (Wentworth) Relating to the authority of certain taxing entities to repeal the local sales and use tax exemption for telecommunications services. (30-0) (30-0)

HB 2862 (Brown) Relating to the appointment of election judges for county elections. (30-0) (30-0)

HB 2869 (Ellis) Relating to the requirement that a child provide certain information to a juvenile probation officer as a condition of probation for certain offenses involving a handgun. (30-0) (30-0)

HB 2870 (Ellis) Relating to the grounds for an appeal or a postconviction writ of habeas corpus brought by a child. (30-0) (30-0)

HB 2890 (Madla) Relating to the report, delivery, and claims process for unclaimed property held by certain local governments. (30-0) (30-0)

HB 2892 (Nelson) Relating to the procedures for returning an absent patient to a facility for court-ordered treatment or care. (30-0) (30-0)

HB 2898 (Whitmire) Relating to the execution of credit agreements and issuance of obligations by certain political subdivisions. (30-0) (30-0)

HB 2914 (Nelson) Relating to notice of the drug testing policy followed by a convalescent or nursing home or a home and community support services agency. (30-0) (30-0)

HB 2915 (Sibley) Relating to the powers and duties of the executive director of the workforce development division of the Texas Workforce Commission. (30-0) (30-0)

HB 2920 (Cain) Relating to the operation of a motorcycle on a public street or highway. (30-0) (30-0)

HB 2922 (Sibley) Relating to the offense of obstructing a railroad crossing with a train. (30-0) (30-0)

HB 2930 (Duncan) Relating to the application of nepotism prohibitions to certain municipalities. (30-0) (30-0)

HB 2937 (Wentworth) Relating to the duties of the district attorney for the 35th Judicial District. (30-0) (30-0)

HB 2941 (Armbrister) Relating to certain home protection insurance. (30-0) (30-0)

HB 2969 (Sibley) Relating to small and large employer health plan certification, discontinuance, and dependent participation requirements. (30-0) (30-0)

HB 2971 (Nixon) Relating to certain training and licensing requirements for appointment as a county jailer. (30-0) (30-0)

HB 2990 (Harris) Relating to the enforcement of an order for possession of or access to a child. (30-0) (30-0)

HB 3001 (Cain) Relating to authorizing certain trusts to convert to nonprofit corporations. (30-0) (30-0)

HB 3002 (Truan) Relating to designating the ferry landing at Port Aransas as the Melvin O. Littleton Ferry Landing. (30-0) (30-0)

HB 3020 (Sibley) Relating to the withdrawal from operations by a health maintenance organization. (30-0) (30-0)

HB 3034 (Sibley) Relating to property tax abatement agreements. (30-0) (30-0)

HB 3072 (Brown) Relating to certain payments by a retail seller in a retail installment transaction involving a motor vehicle. (30-0) (30-0)

HB 3093 (Ellis) Relating to general standing to file a suit affecting the parent-child relationship. (30-0) (30-0)

HB 3114 (Madla) Relating to authorizing counties to permit certain veterans to park free of charge in county parking facilities. (30-0) (30-0)

HB 3125 (Fraser) Relating to the management of vehicles owned by the state. (30-0) (30-0)

HB 3126 (Zaffirini) Relating to the establishment and application of uniform criteria for evaluating state-funded drug abuse prevention programs. (30-0) (30-0)

HB 3176 (Sibley) Relating to the jurisdiction of the County Court at Law of Parker County. (30-0) (30-0)

HB 3178 (Shapleigh) Relating to coverage for certain health benefits under the Texas State College and University Employees Uniform Insurance Benefits Act. (30-0) (30-0)

HB 3185 (Jackson) Relating to the assistance a county may provide another governmental entity for a construction project. (30-0) (30-0)

HB 3230 (Ellis) Relating to the selection of alternate jurors to serve during the term of a grand jury. (30-0) (30-0)

HB 3249 (Armbrister) Relating to permitting local prosecutors to accept federal funds for the purpose of defraying a portion of the cost of prosecution. (30-0) (30-0)

HB 3257 (Cain) Relating to allowing certain political subdivisions to change the date of the general election for officers. (30-0) (30-0)

HB 3262 (Madla) Relating to information in a rabies vaccination certificate or in a county or municipal registry of dogs and cats; providing criminal penalties. (30-0) (30-0)

HB 3276 (Sibley) Relating to the application of the Texas Non-Profit Corporation Act to charitable trustees. (30-0) (30-0)

HB 3277 (Armbrister) Relating to research in agriculture production and its effect on water use and availability and wildlife habitats. (30-0) (30-0)

HB 3285 (Armbrister) Relating to covenants not to compete by physicians. (30-0) (30-0)

HB 3340 (Lucio) Relating to a rental housing pilot program to expand long-term care housing options for elderly residents of this state with low, very low, or extremely low income. (30-0) (30-0)

HB 3343 (Wentworth) Relating to receiverships for certain missing persons. (30-0) (30-0)

HB 3355 (Duncan) Relating to the responsibility for transporting certain juvenile offenders. (30-0) (30-0)

HB 3401 (Haywood) Relating to the creation, administration, powers, duties, operation, and financing of the Wilbarger County Stormwater Control District; granting the authority to issue bonds and impose taxes; granting the power of eminent domain. (30-0) (30-0)

HB 3425 (Shapleigh) Relating to eligibility for the Texas Legislative Medal of Honor. (30-0) (30-0)

HB 3446 (Ogden) Relating to the regulation of the practice of veterinary medicine; imposing criminal, civil, and administrative penalties. (30-0) (30-0)

HB 3447 (Bivins) Relating to the creation of a student endowment scholarship and internship program. (30-0) (30-0)

HB 3448 (Bivins) Relating to the Moore County Hospital District. (30-0) (30-0)

HB 3450 (Moncrief) Relating to the collection of civil penalties assessed against a convalescent or nursing home or related institution. (30-0) (30-0)

HB 3451 (Moncrief) Relating to arbitration to resolve certain matters relating to nursing homes and related institutions. (30-0) (30-0)

HB 3452 (Moncrief) relating to binding arbitration to resolve certain disputes involving certain residential and custodial facilities licensed by the Texas Department of Human Services. (30-0) (30-0)

HB 3463 (Cain) Relating to the dissolution of the Cedar Creek Hospital District. (30-0) (30-0)

HB 3480 (Sibley) Relating to the membership of a local workforce development board. (30-0) (30-0)

HB 3551 (Ratliff) Relating to disposition of proceeds from read to succeed license plates. (30-0) (30-0)

HB 3604 (Madla) Relating to the imposition of sanctions by a court on a person who signs a pleading or motion. (30-0) (30-0)

HB 3606 (Zaffirini) Relating to licensing requirements for alternative education programs that provide chemical dependency treatment services. (30-0) (30-0)

(Senator Moncrief in Chair)

HB 3616 (Brown) Relating to amending a petition for judicial review of certain ad valorem tax determinations. (30-0) (30-0)

HB 3630 (Wentworth) Relating to guardianships for incapacitated persons. (30-0) (30-0)

HB 3641 (Wentworth) Relating to the suspension, revocation, cancellation, and certain other actions in connection with a license to operate a motor vehicle on a highway in this state. (30-0) (30-0)

HB 3642 (Lucio) Relating to certain administrative procedures of the Teacher Retirement System of Texas. (30-0) (30-0)

HB 3656 (Madla) Relating to the participation of community-based organizations in the skills development fund. (30-0) (30-0)

HB 3658 (Sibley) Relating to the enterprise zone program. (30-0) (30-0)

HB 3660 (Barrientos) Relating to service credit under the Teacher Retirement System of Texas for certain work experience of certified career and technology education teachers. (30-0) (30-0)

HB 3684 (Madla) Relating to gates on certain third-class and neighborhood roads. (30-0) (30-0)

HB 3685 (Lucio) Relating to the appeal of a driver's license or vehicle registration suspension, cancellation, or revocation. (30-0) (30-0)

HB 3696 (Lucio) Relating to the approval of assignments of oil and gas leases covering certain state land. (30-0) (30-0)

HB 3736 (Jackson) Relating to the applicability of procedures governing restrictive covenants in certain residential subdivisions. (30-0) (30-0)

HB 3739 (West) Relating to ethics requirements in regard to management and investment of the permanent school fund. (30-0) (30-0)

HB 3773 (Barrientos) Relating to credit in and benefits and administration of retirement systems for police officers in certain municipalities. (30-0) (30-0)

HB 3775 (Armbrister) Relating to the persons a justice of the peace may order to take a specimen of blood from the body of a person who died in a vehicle accident. (30-0) (30-0)

HB 3776 (Truan) Relating to the use of certain funds by the Nueces County Hospital District. (30-0) (30-0)

HB 3786 (Ellis) Relating to the transfer of certain proceedings in a suit affecting the parent-child relationship. (30-0) (30-0)

HB 3794 (Bernsen) Relating to the authority of certain counties to impose a county hotel occupancy tax throughout the county. (30-0) (30-0)

HB 3803 (Bivins) Relating to the appointment of a bailiff for the County Court at Law of Randall County. (30-0) (30-0)

HB 3804 (Nelson) Relating to the Lake Cities Municipal Utility Authority; granting the power of eminent domain; authorizing an ad valorem tax; and granting the authority to issue bonds. (30-0) (30-0)

HB 3807 (Armbrister) Relating to the creation of a statutory county court in Matagorda County. (30-0) (30-0)

HB 3814 (Haywood) Relating to the creation of the Salt Fork Water Quality District; authorizing the issuance of bonds. (30-0) (30-0)

HB 3817 (Armbrister) Relating to the boundaries, confirmation election, administration, powers, duties, operation, and financing of the Guadalupe County Groundwater Conservation District. (30-0) (30-0)

HB 3821 (Zaffirini) Relating to the creation of a juvenile board in Duval County. (30-0) (30-0)

HB 3822 (Ratliff) Relating to the creation of the County Court at Law of Bowie County. (30-0) (30-0)

HB 3823 (Bernsen) Relating to appointment of commissioners of the Chambers-Liberty Counties Navigation District. (30-0) (30-0)

HB 3825 (Haywood) Relating to the jurisdiction of the County Court of King County. (30-0) (30-0)

HB 3826 (Haywood) Relating to the jurisdiction of the County Court of Baylor County. (30-0) (30-0)

HB 3827 (Haywood) Relating to the jurisdiction of the County Court of Cottle County. (30-0) (30-0)

HB 3832 (Fraser) Relating to the composition of the Bell County Juvenile Board. (30-0) (30-0)

HB 3836 (Harris) Relating to the removal of a member of the governing body of a general-law municipality. (30-0) (30-0)

HB 3838 (Harris) Relating to the protection of certain children. (30-0) (30-0)

HB 3845 (Bernsen) Relating to the creation of the Southeast Texas Agricultural Development District; granting the right to issue bonds. (30-0) (30-0)

HB 3847 (Bernsen) Relating to powers and duties of the Jefferson County Drainage District No. 7. (30-0) (30-0)

HB 3849 (Bivins) Relating to the name and powers of, and the validation of certain acts of, the North Plains Ground Water Conservation District No. Two. (30-0) (30-0)

HB 3854 (Lindsay) Relating to the assignment and docketing of cases filed in Harris County statutory probate courts. (30-0) (30-0)

HCR 66 (Lucio) Designating Mission the Home of the Grapefruit. (viva voce vote)

HCR 96 (Ellis) Directing the Texas Health and Human Services Commission to maximize federal funding for outreach activities related to children's health insurance. (viva voce vote)

HCR 111 (Gallegos) Naming the state building at 5425 Polk Avenue in Houston the Elias Ramirez Building. (viva voce vote)

HCR 117 (Ellis) Supporting and encouraging the future development and expansion of career and technology academic programs throughout Texas high schools. (viva voce vote)

HCR 124 (Truan) Designating the Asian Cultures Museum & Educational Center the Official State Museum of Asian Cultures. (viva voce vote)

HCR 141 (Truan) Memorializing congress to maintain their commitment to the veterans of America. (viva voce vote)

HCR 181 (Shapiro) Designating Plano as the Hot Air Balloon Capital of Texas. (viva voce vote)

HCR 267 (Ellis) Honoring the 25th season of the Houston Shakespeare Festival. (viva voce vote)

HCR 277 (Duncan) Relating to a legislative oversight committee with jurisdiction over the Lubbock County Hospital District's relationship to Texas Tech University Health Sciences Center. (viva voce vote)

SCR 78 (West) Creating the Special Commission on Twenty-First Century Colleges and Universities. (viva voce vote)

BILLS REMOVED FROM LOCAL AND UNCONTESTED CALENDAR

Senator Ogden and Senator Lucio requested in writing that **HB 244** be removed from the Local and Uncontested Calendar.

Senator Ogden and Senator Lucio requested in writing that **HB 374** be removed from the Local and Uncontested Calendar.

Senator Shapiro and Senator Shapleigh requested in writing that **HB 932** be removed from the Local and Uncontested Calendar.

Senator Lucio and Senator Harris requested in writing that **HB 1811** be removed from the Local and Uncontested Calendar.

Senator Ellis, sponsor of the bill, requested in writing that **HB 1854** be removed from the Local and Uncontested Calendar.

Senator Jackson and Senator Harris requested in writing that **HB 2050** be removed from the Local and Uncontested Calendar.

Senator Bernsen and Senator Gallegos requested in writing that **HB 2276** be removed from the Local and Uncontested Calendar.

Senator Ogden and Senator Lucio requested in writing that **HB 2344** be removed from the Local and Uncontested Calendar.

Senator Bivins, sponsor of the bill, requested in writing that **HB 2553** be removed from the Local and Uncontested Calendar.

Senator Truan and Senator Harris requested in writing that **HB 2980** be removed from the Local and Uncontested Calendar.

Senator Ogden and Senator Lucio requested in writing that **HB 2996** be removed from the Local and Uncontested Calendar.

Senator Shapiro and Senator Cain requested in writing that **HB 3174** be removed from the Local and Uncontested Calendar.

Senator Bernsen and Senator Ellis requested in writing that **HB 3407** be removed from the Local and Uncontested Calendar.

Senator Lucio and Senator Ogden requested in writing that **HB 3437** be removed from the Local and Uncontested Calendar.

Senator Lucio and Senator Ogden requested in writing that **HB 3442** be removed from the Local and Uncontested Calendar.

Senator Haywood and Senator Harris requested in writing that **HB 3704** be removed from the Local and Uncontested Calendar.

Senator Lucio and Senator Harris requested in writing that **HB 3828** be removed from the Local and Uncontested Calendar.

Senator Ogden and Senator Nixon requested in writing that **HCR 12** be removed from the Local and Uncontested Calendar.

Senator Shapleigh, sponsor of the resolution, requested in writing that **HCR 109** be removed from the Local and Uncontested Calendar.

SESSION CONCLUDED FOR LOCAL AND UNCONTESTED CALENDAR

Senator Moncrief announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

RECESS

Pursuant to a previously adopted motion, the Senate at 6:02 p.m. recessed until 7:00 p.m. today.

AFTER RECESS

The Senate met at 7:00 p.m. and was called to order by the President.

HOUSE BILL 2125 ON SECOND READING

On motion of Senator Carona 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 third reading:

HB 2125, Relating to creating the offense of stealing or receiving a stolen check or sight order.

The bill was read second time.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2125** as follows: on page 1, line 20, strike "state jail felony" and substitute "Class A misdemeanor".

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

On motion of Senator Carona 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 third reading by a viva voce vote.

HOUSE BILL 2125 ON THIRD READING

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2125** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 2125 was read third time and was passed by a viva voce vote.

HOUSE BILL 3828 ON SECOND READING

On motion of Senator Haywood 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 third reading:

HB 3828, Relating to the jurisdiction of the County Court of Knox County.

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

HOUSE BILL 3828 ON THIRD READING

Senator Haywood moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3828** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3828 was read third time and was passed by a viva voce vote.

HOUSE BILL 1049 ON SECOND READING

On motion of Senator Ratliff 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 third reading:

HB 1049, Relating to designating the Texas State Technical College System extension center in the city of Marshall as a campus of the system.

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

HOUSE BILL 1049 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1049** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 1049 was read third time and was passed by a viva voce vote.

HOUSE BILL 1907 ON THIRD 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 third reading and final passage:

HB 1907, Relating to the limited law enforcement authority of certain agents or officers of the government of the United States.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HOUSE BILL 247 ON SECOND READING

On motion of Senator Wentworth 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 third reading:

HB 247, Relating to the use of neighborhood associations in the enforcement of certain municipal health and safety ordinances.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 247** as follows:

(1) In SECTION 1 of the bill, in added Section 54.020(d), Local Government Code (senate committee printing, page 1, line 36) between "owner" and "the", strike "of, or a person residing on," and substitute "of the property and a person residing on".

(2) In SECTION 1 of the bill, in added Section 54.020(f), Local Government Code (senate committee printing, page 1, line 47) between "owner" and "a person", strike "or" and substitute "and".

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

On motion of Senator Wentworth 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 third reading by a viva voce vote.

HOUSE BILL 247 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 247** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 247 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 3407 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 third reading:

HB 3407, Relating to applying the open meetings and open records laws to certain property owners' associations.

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

HOUSE BILL 3407 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 **HB 3407** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3407 was read third time and was passed by a viva voce vote.

HOUSE BILL 3009 ON SECOND READING

On motion of Senator Sibley 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 third reading:

HB 3009, Relating to investments and audits under the Public Funds Investment Act.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3009** as follows:

(1) In SECTION 2 of the bill, at the end of amended Section 2256.003, Government Code (committee printing, page 1, between lines 60 and 61), insert the following:

(c) This chapter does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under this chapter.

(2) In SECTION 4 of the bill, amended Section 2256.005(f), Government Code (committee printing, page 2, lines 25-26), strike "or contract with an investment management firm under Section 2256.003(b)".

(3) In SECTION 4 of the bill, amended Section 2256.005(f), Government Code (committee printing, page 2, lines 32-33 and 38), strike "fiduciary [person]" and substitute "person".

(4) In SECTION 6 of the bill, amended Section 2256.008(a)(1), Government Code (committee printing, page 3, lines 38-39), strike "under a curriculum approved by the state auditor" and substitute "from an independent source approved by the governing body of the local government or a designated investment committee".

advising the investment officer as provided for in the investment policy of the local government".

(5) In SECTION 6 of the bill, amended Section 2256.008(a)(2), Government Code (committee printing, page 3, lines 46-48), strike "under a curriculum approved by the state auditor and [from an independent source]" and substitute "from an independent source".

(6) In SECTION 6 of the bill, at the end of amended Section 2256.008(b), Government Code (committee printing, page 3, line 59), insert the following: The treasurer or chief financial officer of an investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, and that has fewer than five full-time employees is not required to attend training required by this section unless the person is also the investment officer of the entity.

(7) In SECTION 6 of the bill, at the end of amended Section 2256.008, Government Code (committee printing, page 3, between lines 63 and 64), insert the following:

(d) Not later than December 31 each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the governmental entities for which the person provided required training under this section during that calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

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

On motion of Senator Sibley 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 third reading by a viva voce vote.

HOUSE BILL 3009 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3009** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3009 was read third time and was passed by a viva voce vote.

HOUSE BILL 3206 ON SECOND 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 second reading and passage to third reading:

HB 3206, Relating to certain election processes and procedures; providing criminal penalties.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3206** as follows:

(1) Insert the following appropriately numbered SECTIONS of the bill to read as follows:

SECTION _____. Subsections (a) and (b), Section 41.001, Election Code, are amended to read as follows:

(a) Except as otherwise provided by this subchapter, each general or special election in this state shall be held on one of the following dates:

- (1) the third Saturday in January;
- (2) the first Saturday in May;
- (3) the third [~~second~~] Saturday in August; or
- (4) the first Tuesday after the first Monday in November.

(b) Subsection (a) does not apply to:

- (1) a runoff election;
- (2) [a local option election held under the Alcoholic Beverage Code;
- ~~[(3) an election for the issuance or assumption of bonds or the levy of a tax for the maintenance of a public school or college, if the governing body of the political subdivision issuing or assuming the bonds or levying the tax, by resolution, order, or ordinance, finds that holding the election on a date other than a uniform election date is in the public interest, which finding is conclusive and incontestable;~~

~~[(4)] an election to resolve a tie vote;~~

~~[(5)] an election held under an order of a court or other tribunal;~~

~~[(6)] an emergency election ordered under Section 41.0011;~~

~~[(7)] an expedited election to fill a vacancy in the legislature held under Section 203.013; or~~

~~[(8)] an election held by a political subdivision using the convention method of election;~~

~~[(9)] an election held under a statute that expressly provides that the requirement of Subsection (a) does not apply to the election; or~~

~~[(10) an election to recall an officer of a political subdivision].~~

SECTION ___. Subsection (a), Section 41.0052, Election Code, is amended to read as follows:

(a) The governing body of a political subdivision other than a county may, not later than December 31, 1999 [~~1997~~], change the date on which it holds its general election for officers to another authorized uniform election date. An election on the new date may not be held before 2000 [~~1998~~].

SECTION _____. Section 42.002, Election Code, is amended to read as follows:

Sec. 42.002. REQUIRED USE OF COUNTY PRECINCTS. (a) The county election precincts are the election precincts for the following elections:

- (1) the general election for state and county officers;
- (2) a special election ordered by the governor;
- (3) a primary election; ~~and~~
- (4) a countywide election ordered by the commissioners court, county judge, or other county authority, except an election subject to Section 42.062(2); and
- (5) a joint election, to the extent provided by Section 42.0621.

(b) Except as provided by Sections 42.008, ~~and~~ 42.009, and 42.0621, county election precincts may not be consolidated for an election.

SECTION __. Subchapter C, Chapter 42, Election Code, is amended by adding Section 42.0621 to read as follows:

Sec. 42.0621. PRECINCTS FOR JOINT ELECTION. (a) In a joint election, the participating political subdivisions shall use the regular county election precincts in the parts of the political subdivisions that contain the same territory. Two or more of the county election precincts may be consolidated into a single precinct if the polling place is located so that it will adequately serve the voters of the consolidated precinct.

(b) Each political subdivision participating in a joint election shall establish election precincts in the territory of that political subdivision that is not common with territory of another participating political subdivision. One or more separate precincts may be established in that territory, or that territory may be consolidated into one or more precincts established in the common territory.

SECTION __. Subchapter A, Chapter 43, Election Code, is amended by adding Section 43.0051 to read as follows:

Sec. 43.0051. DESIGNATION OF LOCATION: JOINT ELECTION. (a) The authorities establishing joint election precincts under Section 42.0621 shall designate the regular county polling place as the joint election polling place for each regular county election precinct used in the joint election unless the regular county polling place is unavailable, in which case the authorities shall designate another location. If county election precincts are consolidated for the joint election, the authorities shall designate the location of the polling place for each consolidated precinct.

(b) Each political subdivision participating in a joint election shall designate polling places in the territory of that political subdivision that is not common with territory of another participating political subdivision. If the voters of the territory that is not common to two or more participating political subdivisions can be served adequately and conveniently by a polling place located in the common territory of those political subdivisions, the common polling place may be designated.

SECTION __. Section 271.002, Election Code, is amended to read as follows:

Sec. 271.002. JOINT ELECTIONS REQUIRED ~~Authorized~~. (a) If the elections ordered by the authorities of two or more political subdivisions are to be held on the same day in all or part of the same territory, the governing bodies of the political subdivisions shall ~~may~~ enter into an agreement to hold the elections jointly ~~[in the election precincts that can be served by common polling places, subject to Section 271.003].~~

(b) If an election ordered by the governor and the elections ordered by the authorities of one or more political subdivisions are to be held on the same day in all or part of the same territory, the commissioners court of a county in which the election ordered by the governor is to be held and the governing bodies of the other political subdivisions shall ~~may~~ enter into an agreement to hold the elections jointly ~~[in the election precincts that can be served by common polling places, subject to Section 271.003].~~

(c) ~~[If another law requires two or more political subdivisions to hold a joint election, the governing body of any other political subdivision holding an election on the same day in all or part of the same territory in which the joint election is to be held may enter into an agreement to participate in the joint election with the governing bodies of the political subdivisions holding the joint election.~~

[(†)] The terms of the [a] joint election agreement, including all the decisions necessary for conducting the election in accordance with this chapter, must be stated in an order, resolution, or other official action adopted by the governing body of each participating political subdivision not later than the 60th day before the date of a general election for state and county officers or the 40th day before the date of any other election, as applicable. If the governing bodies cannot agree on the terms of the agreement, the disputed terms shall be resolved through an alternative dispute resolution procedure. The secretary of state shall prescribe a model joint election agreement and alternative dispute resolution procedure for the use of political subdivisions in implementing this section.

(d) [(e)] The document containing the joint election agreement shall be preserved for the period for preserving the precinct election records.

(e) The governing body of each political subdivision participating in the joint election shall appoint one representative to an election committee, which shall implement the joint election agreement. In a joint election held in a county having the position of county elections administrator, the administrator shall serve on the committee.

(f) A political subdivision holding an election on the date of the general election for state and county officers or a conservation and reclamation district created under Section 59, Article XVI, Texas Constitution, is not required to participate in a joint election required by this section.

SECTION _____. Section 271.005, Election Code, is amended by adding Subsection (c) to read as follows:

(c) For a joint election precinct in which an office of the county, state, or federal government is on the ballot, the presiding election judge and alternate presiding judge serving that precinct must be persons who normally serve as presiding judge and alternate presiding judge in the regular county election precinct in county elections. In addition, the presiding judge of the early voting ballot board and the chair of a signature verification committee for such a joint election must be persons who normally would be appointed to serve in those positions in the particular election in which an office of the county, state, or federal government is on the ballot.

SECTION _____. Section 271.006, Election Code, is amended to read as follows:

Sec. 271.006. EARLY VOTING. (a) The governing bodies of the political subdivisions participating in a joint election shall [decide whether to conduct their early voting jointly. The governing bodies that decide to conduct joint early voting shall] appoint one of their early voting clerks as the early voting clerk for the joint early voting.

(b) The joint early voting shall be conducted at the early voting polling place or places at which and during the hours, including any extended or weekend hours, that the early voting clerk regularly conducts early voting for the clerk's political subdivision.

(c) The regular early voting clerk for each political subdivision participating in the joint early voting shall receive applications for early voting ballots to be voted by mail in accordance with Title 7. The remaining procedures for conducting the political subdivision's early voting by mail shall be completed by the regular early voting clerk or by the early voting clerk for the joint early voting, at the discretion of the governing body of each political subdivision participating in the joint early voting.

[(d) If a governing body decides not to participate in the joint early voting, the early voting for that political subdivision shall be conducted in accordance with Title 7, except that the early voting may be conducted at common polling places:]

SECTION ____. Sections 271.003 and 271.014, Election Code, are repealed.

SECTION ____. (a) An election that is held on the August uniform election date in 1999 is subject to the prior law governing that election, and the prior law is continued in effect for that purpose.

(b) Section 41.006, Election Code, applies to a change in election dates made in accordance with this Act.

(c) An election that is ordered before the effective date of this Act and that is described by Subdivision (2), (3), (8), or (10), Subsection (b), Section 41.001, Election Code, as it existed immediately before the effective date of this Act, is subject to that prior law, and the prior law is continued in effect for that purpose.

(2) In SECTION 44 of the bill (committee printing page 9, line 51) between "September 1, 1999" and the period, insert ", except that the sections of this Act amending and adding Sections 42.002, 42.0621, 43.0051, 271.002, 271.005, and 271.006, Election Code, and repealing Sections 271.003 and 271.014, Election Code, take effect January 1, 2000".

(3) Renumber SECTIONS of the bill accordingly.

The amendment was read.

On motion of Senator Shapleigh and by unanimous consent, further consideration of **HB 3206** was postponed to a time certain of 9:36 p.m. today.

Question—Shall Floor Amendment No. 1 to **HB 3206** be adopted?

HOUSE BILL 772 ON SECOND READING

On motion of Senator Nelson 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 third reading:

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

The bill was read second time.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 772** as follows:

(2) On page 2, line 1, add a new subsection (b) to read as follows:

(b) For a fee charged under (a)(15), the school district must provide a written form to be signed by the student's legal guardian stating that this fee would not create a financial hardship or discourage the student from attending the program. The school district may only assess the fee if the student returns the signed form.

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

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 772** as follows:

On page 1, line 60, insert the following after "fee" and before "for": ", not to exceed \$50.".

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

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 772** as follows:

On page 1, line 64, insert the following after the period:

"The fee shall be applied only in an independent school district with an enrollment exceeding 150,000 students."

The amendment was read.

On motion of Senator Harris and by unanimous consent, Floor Amendment No. 3 was withdrawn.

Senator Harris offered the following amendment to the bill:

Floor Amendment No. 4

Amend **HB 772** as follows:

On page 2, line 19, add a new subsection (c) to read as follows:

(c) The availability of the option developed under subsection (b) must be substantially the same as the availability of the educational program developed under Section 11.158(a)(15).

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

On motion of Senator Nelson 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 third reading by a viva voce vote.

HOUSE BILL 772 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 772** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 772 was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

HOUSE BILL 1059 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 third reading:

HB 1059, Relating to the regulation of amusement rides; providing a penalty.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1059** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 2, Article 21.60, Insurance Code, is amended by amending Subdivision (3) and adding Subdivisions (5) and (6) to read as follows:

(3) "Class A amusement ride" means an amusement ride with a fixed location and designed primarily for use by children 12 years of age or younger.

(5) "Commissioner" means the commissioner of insurance.

(6) "Mobile amusement ride" means an amusement ride that is designed or adapted to be moved from one location to another and is not fixed at a single location.

SECTION 2. Section 3(a), Article 21.60, Insurance Code, is amended to read as follows:

(a) The commissioner [~~board~~] shall administer and enforce this article. The commissioner [~~board~~] shall establish reasonable and necessary fees in an amount not to exceed \$40 [~~\$20~~] per year for each amusement ride covered by this Act.

SECTION 3. Section 4, Article 21.60, Insurance Code, is amended by amending Subsections (a) and (b) and adding Subsections (d), (e), (f), (g), (h), and (i) to read as follows:

(a) A person may not operate an amusement ride unless the person [~~he~~]:

(1) has the amusement ride inspected at least once annually by an insurer or a person with whom the insurer has contracted and obtains from that insurer or person a written certificate that the inspection has been made and that the amusement ride meets the standards for coverage and is covered by the insurance required by Subdivision [~~Subsection~~] (2) of this subsection [~~section~~]. If at any time the inspection reveals that an amusement ride does not meet the insurer's underwriting standards, the insurer shall so notify the owner or operator and in the event repair or replacement of equipment is required it shall be the responsibility of the owner or operator to make such repair or replacement before the amusement ride is offered for public use;

(2) has an insurance policy currently in force written by an insurance company authorized to do business in this state, a surplus lines insurer as defined by Article 1.14-2 of this code, or an independently procured policy subject to Article 1.14-1 of this code, in an amount of not less than \$100,000 per occurrence with a \$300,000 annual aggregate for Class A amusement rides and an amount of at least [~~not less than~~] \$1,000,000 per occurrence or a higher amount established by rule of the commissioner for Class B amusement rides insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride;

(3) files with the commissioner [~~board~~], in the manner required by this article, the inspection certificate and the insurance policy required by this section or a photocopy of such a certificate or policy authorized by the commissioner [~~board~~]; and

(4) files with each sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public a photocopy of the inspection certificate and the insurance policy required by this section [~~certificate stating that the insurance required by Subdivision (2) of this section is in effect~~].

(b) The inspection required under Subsection (a)(1) of this section must include a method to test the stress- and wear-related damage of critical parts of a ride that the manufacturer of the amusement ride [~~board~~] determines are reasonably subject to failure as the result of stress and wear and could cause injury to a member of the general public as a result of a failure.

(d) A person who operates an amusement ride in this state shall maintain accurate records of any governmental action taken in any state relating to the amusement ride, including an inspection resulting in the repair or replacement of equipment used in the

operation of the amusement ride. The operator shall file with the commissioner on a quarterly basis a report on a form designed by the commissioner describing each governmental action taken in the quarter covered by the report for which the operator is required by this subsection to maintain records. A report is not required under this section in any quarter in which no reportable governmental action was taken in any state in which the person operated the amusement ride.

(e) A person who operates an amusement ride shall maintain for not less than two years at any location where the ride is operated, for inspection by a municipal, county, or state law enforcement official, a photocopy of any quarterly report required under Subsection (c) or (d) of this section to be filed with the commissioner.

(f) The commissioner shall adopt rules establishing categories of Class B amusement rides and may require the owner or operator of specific categories of Class B amusement rides to maintain on an amusement ride a liability insurance policy with coverage that exceeds \$1,000,000 per occurrence. The commissioner shall establish categories based on the potential danger of amusement rides. In determining the potential danger of an amusement ride, the commissioner may consider:

(1) the safety history of the specific ride, type of ride, or manufacturer of the ride; and

(2) factors relating to the manner in which the ride is normally operated, including the speed and height of the ride.

(g) The commissioner shall adopt rules requiring operators of mobile amusement rides to perform inspections of mobile amusement rides, including rules requiring daily inspections of safety restraints. Rules adopted under this subsection may apply to specific rides of specific manufacturers. The commissioner shall prescribe forms for inspections required under this subsection and shall require records of the inspections to be made available to the public at any location at which an amusement ride is operated.

(h) The commissioner shall adopt rules requiring that signs be posted to inform the public how to report an amusement ride that appears to be unsafe or to report an amusement ride operator who appears to be violating the law. The location of a sign required under this subsection may include any entrance to the location at which an amusement ride is located and any location at which tickets for an amusement ride are available.

(i) An amusement ride covered by this article that is sold, maintained, or operated in this state shall comply with standards established by the American Society of Testing and Materials (ASTM). Those standards are minimum standards. To the extent that the standards of the American Society of Testing and Materials conflict with the requirements of this article, the more stringent requirement or standard applies.

SECTION 4. Section 8, Article 21.60, Insurance Code, is amended to read as follows:

Sec. 8. INJUNCTIONS. The district attorney of each county in which an amusement ride is operated or, on request of the commissioner of insurance, the attorney general or one of his agents may seek an injunction against any person operating an amusement ride in violation of this article or in violation of a rule adopted by the commissioner under Section 4 of this article.

SECTION 5. The heading of Section 9, Article 21.60, Insurance Code, is amended to read as follows:

Sec. 9. PENALTIES[; LOCAL ENFORCEMENT].

SECTION 6. Section 9, Article 21.60, Insurance Code, is amended by amending Subsections (a) and (c) and adding Subsection (f) to read as follows:

(a) A person commits an offense if the person [he] fails to comply with any requirement under Section 4, [or] 5, 10(e), 10(f), or 10(g) of this article or under any rule adopted by the commissioner under Section 4 of this article.

(c) An offense under this section is a Class B [C] misdemeanor.

(f) The prosecuting attorney in a case in which a person is convicted of an offense under this section shall report the offense to the department not later than the 90th day after the date of the conviction.

SECTION 7. Article 21.60, Insurance Code, is amended by adding Section 10 to read as follows:

Sec. 10. ENFORCEMENT. (a) A municipal, county, or state law enforcement official may determine compliance with Section 4 or 5 of this article in conjunction with the commissioner and may institute an action in a court of competent jurisdiction to enforce this article.

(b) A municipal, county, or state law enforcement official may enter and inspect without notice any amusement ride at any time to ensure public safety.

(c) The operator of an amusement ride shall immediately provide the inspection certificate and the insurance policy required by Section 4 of this article to a municipal, county, or state law enforcement official requesting the information. A photocopy of the inspection certificate or insurance policy may be provided instead of the certificate or policy.

(d) Except as provided by Subsection (i) of this section, a municipal, county, or state law enforcement official may immediately prohibit operation of an amusement ride if:

(1) the operator of the amusement ride is unable to provide the documents or a photocopy of the documents required by Subsection (c) of this section;

(2) the law enforcement official reasonably believes the amusement ride is not in compliance with Section 4(a) of this article; or

(3) the operation of the amusement ride, conduct of a person operating the amusement ride, conduct of a person assembling the amusement ride if it is a mobile amusement ride, or any other circumstance causes the law enforcement official to reasonably believe that the amusement ride is unsafe or the safety of a passenger on the amusement ride is threatened.

(e) If the operation of an amusement ride is prohibited under Subsection (d)(1) or (2) of this section, a person may not operate the amusement ride unless:

(1) the operator presents to the appropriate municipal, county, or state law enforcement official proof of compliance with Section 4(a) of this article; or

(2) the commissioner or the commissioner's designee determines that on the date the amusement ride's operation was prohibited the operator had on file with the board the documents required by Section 4(a) of this article and issues a written statement permitting the amusement ride to resume operation.

(f) If on the date an amusement ride's operation is prohibited under Subsection (d)(3) of this section the amusement ride is not in compliance with Section 4(a) of this article, a person may not operate the amusement ride until after a person subsequently complies with Section 4(a) of this article.

(g) If on the date an amusement ride's operation is prohibited under Subsection (d)(3) of this section the amusement ride is in compliance with Section 4(a) of this article, a person may not operate the amusement ride until:

(1) on-site corrections are made;

(2) an order from a district judge, county judge, judge of a county court at law, justice of the peace, or municipal judge permits the amusement ride to resume operation; or

(3) an insurance company insuring the amusement ride on the date the amusement ride's operation was prohibited:

(A) reinspects the amusement ride in the same manner required under Section 4(a) of this article; and

(B) delivers to the commissioner or the commissioner's designee and the appropriate law enforcement official a reinspection certificate:

(i) stating that the required reinspection has occurred;

(ii) stating that the amusement ride meets coverage standards and is covered by insurance in compliance with Section 4(a) of this article; and

(iii) explaining the necessary repairs, if any, that have been made to the amusement ride after its operation was prohibited.

(h) The owner or operator of the amusement ride may file suit for relief from a prohibition under Subsection (d) or (k) of this section in a district court in the county in which the amusement ride was located when the prohibition against operation occurred.

(i) Subsection (d) of this section does not apply to an amusement ride with a fixed location and operated at an amusement park that was attended by more than 200,000 customers in the year preceding the inspection under Subsection (b) of this section.

(j) Except when the act or omission involves intentional conduct, gross negligence, or malice, a law enforcement official is not liable for the official's failure to terminate operation of an amusement ride under Subsection (d) of this section.

(k) Except as provided by Subsection (l) or (m) of this section, a mobile amusement ride that causes a death may not be operated. The commissioner may prohibit the operation of mobile amusement rides that are substantially similar to a mobile amusement ride that causes a death.

(l) If a mobile amusement ride was in compliance with Section 4(a) of this article when its operation was initially prohibited under Subsection (k) of this section, a person may resume operating the mobile amusement ride only after:

(1) an insurance company insuring the amusement ride on the date its operation was prohibited:

(A) reinspects the amusement ride in the same manner required under Section 4(a) of this article; and

(B) delivers to the commissioner or the commissioner's designee a reinspection certificate:

(i) stating that the required reinspection has occurred;

(ii) stating that the amusement ride meets coverage standards and is covered by insurance in compliance with Section 4(a) of this article; and

(iii) explaining the necessary repairs, if any, that have been made to the amusement ride after its operation was prohibited; and

(2) the commissioner or the commissioner's designee reviews the reinspection certificate.

(m) If a mobile amusement ride was not in compliance with Section 4(a) of this article when its operation was initially prohibited under Subsection (k) of this section, a person may resume operating the mobile amusement ride only after:

(1) the person subsequently complies with Section 4(a) of this article; and
(2) the commissioner or the commissioner's designee reviews the inspection certificate and insurance policy.

SECTION 8. Section 49.01, Penal Code, is amended by adding Subdivisions (5) and (6) to read as follows:

(5) "Amusement ride" has the meaning assigned by Section 2, Article 21.60, Insurance Code.

(6) "Mobile amusement ride" has the meaning assigned by Section 2, Article 21.60, Insurance Code.

SECTION 9. Chapter 49, Penal Code, is amended by adding Section 49.065 to read as follows:

Sec. 49.065. ASSEMBLING OR OPERATING AN AMUSEMENT RIDE WHILE INTOXICATED. (a) A person commits an offense if the person is intoxicated while operating an amusement ride or while assembling a mobile amusement ride.

(b) Except as provided by Subsection (c) and Section 49.09, an offense under this section is a Class B misdemeanor with a minimum term of confinement of 72 hours.

(c) If it is shown on the trial of an offense under this section that at the time of the offense the person operating the amusement ride or assembling the mobile amusement ride had an open container of alcohol in the person's immediate possession, the offense is a Class B misdemeanor with a minimum term of confinement of six days.

SECTION 10. Section 49.07(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person, by accident or mistake:

(1) [;] while operating an aircraft, watercraft, or amusement ride while intoxicated, or while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes serious bodily injury to another; or

(2) as a result of assembling a mobile amusement ride while intoxicated causes serious bodily injury to another.

SECTION 11. Section 49.08(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) operates a motor vehicle in a public place, operates an aircraft, [or] a watercraft, or an amusement ride, or assembles a mobile amusement ride; and

(2) is intoxicated and by reason of that intoxication causes the death of another by accident or mistake.

SECTION 12. Sections 49.09(a), (b), (d), and (e), Penal Code, are amended to read as follows:

(a) If it is shown on the trial of an offense under Section 49.04, 49.05, ~~[or] 49.06, or 49.065~~ that the person has previously been convicted one time of an offense relating to the operating of a motor vehicle while intoxicated, an offense of operating an aircraft while intoxicated, ~~[or] an offense of operating a watercraft while intoxicated, or an offense of operating or assembling an amusement ride while intoxicated,~~ the offense is a Class A misdemeanor, with a minimum term of confinement of 30 days.

(b) If it is shown on the trial of an offense under Section 49.04, 49.05, ~~[or] 49.06, or 49.065~~ that the person has previously been convicted two times of an offense relating to the operating of a motor vehicle while intoxicated, an offense of operating an aircraft while intoxicated, ~~[or] an offense of operating a watercraft while intoxicated, or an offense of operating or assembling an amusement ride while intoxicated,~~ the offense is a felony of the third degree.

(d) For the purposes of this section, a conviction for an offense under Section 49.04, 49.05, 49.06, 49.065, 49.07, or 49.08 that occurs on or after September 1, 1994, is a final conviction, whether the sentence for the conviction is imposed or probated.

(e) A conviction may not be used for purposes of enhancement under this section if:

(1) the conviction was a final conviction under Subsection (d) and was for an offense committed more than 10 years before the offense for which the person is being tried was committed; and

(2) the person has not been convicted of an offense under Section 49.04, 49.05, 49.06, 49.065, 49.07, or 49.08 or any offense related to operating a motor vehicle while intoxicated committed within 10 years before the date on which the offense for which the person is being tried was committed.

SECTION 13. Section 49.09(c), Penal Code, is amended by adding Subdivision (4) to read as follows:

(4) "Offense of operating or assembling an amusement ride while intoxicated" means:

(A) an offense under Section 49.065;

(B) an offense under Section 49.07 or 49.08, if the offense involved the operation or assembly of an amusement ride; or

(C) an offense under the law of another state that prohibits the operation of an amusement ride while intoxicated or the assembly of a mobile amusement ride while intoxicated.

SECTION 14. Section 49.10, Penal Code, is amended to read as follows:

Sec. 49.10. NO DEFENSE. In a prosecution under Section 49.03, 49.04, 49.05, 49.06, 49.065, 49.07, or 49.08, the fact that the defendant is or has been entitled to use the alcohol, controlled substance, drug, dangerous drug, or other substance is not a defense.

SECTION 15. Section 9(e), Article 21.60, Insurance Code, is repealed.

SECTION 16. (a) This Act takes effect September 1, 1999.

(b) The change in law made by this Act to Section 9, Article 21.60, Insurance Code, applies only to an offense committed on or after the effective date of this Act.

(c) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

SECTION 17. 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.

Senator Barrientos offered the following amendment to Floor Amendment No. 1:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **HB 1059** by deleting the words "September 1, 1999" on page 11, line 24, and adding instead "January 1, 2000."

The amendment to Floor Amendment No. 1 was read and was adopted by a viva voce vote.

Question recurring on the adoption of Floor Amendment No. 1 as amended, the amendment as amended was adopted by a viva voce vote.

On motion of Senator Barrientos 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 third reading by a viva voce vote.

RECORD OF VOTE

Senator Wentworth asked to be recorded as "Present-not voting" on the passage of the bill to third reading.

HOUSE BILL 1059 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 **HB 1059** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0, Present-not voting 1.

Present-not voting: Wentworth.

Absent-excused: Luna.

HB 1059 was read third time and was passed by the following vote: Yeas 29, Nays 0, Present-not voting 1. (Same as previous roll call)

HOUSE BILL 2794 ON SECOND READING

On motion of Senator Wentworth 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 third reading:

HB 2794, Relating to the automation of the compulsory motor vehicle inspection system.

The bill was read second time.

Senator Nixon offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2794**, in SECTION 2 of the bill, at the end of proposed Section 548.508(b), Transportation Code (Senate Committee Printing, on page 1, between lines 44 and 45), by adding the following:

(c) This section expires September 1, 2004.

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

Senator Nixon offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 2794**, in SECTION 2 of the bill, at the end of proposed Section 548.508(b), Transportation Code (on page 1, Senate Committee Printing, between lines 44 and 45), by adding:

(c) The department may impose the additional fee authorized by Subsection (a)(1) or (2) only in a county all or part of which participates in this program.

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

Senator Nixon offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 2794** as follows:

(1) In SECTION 2 of the bill, at the end of proposed Section 548.508(b), Transportation Code (Senate Committee Printing, on page 1, between lines 44 and 45), add the following:

(c) In any fiscal year, if the amount received by the department from the additional fees authorized by Subsection (b) exceeds the department's cost in developing and administering the automated inspection system in that year, the department shall deposit the excess to the credit of the account established for the payment of the principal of and interest on bonds authorized by Section 222.035, Transportation Code, as added by Senate Bill No. 966, Acts of the 76th Legislature, Regular Session, 1999.

(2) Strike SECTION 3 of the bill (Senate Committee Printing, page 1, line 45) and substitute the following:

SECTION 3. (a) This Act takes effect September 1, 1999.

(b) Section 548.508(c), Transportation Code, as added by this Act, takes effect only if S.B. No. 966, Acts of the 76th Legislature, Regular Session, 1999, is enacted and becomes law and the Texas Transportation Commission issues bonds under that law. If the Texas Transportation Commission does not issue bonds under that law, Section 548.508(c), Transportation Code, as added by this Act, has no effect.

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

On motion of Senator Wentworth 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 third reading by a viva voce vote.

HOUSE BILL 2794 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2794** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 2794 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Jackson asked to be recorded as voting "Nay" on the final passage of the bill.

HOUSE BILL 2996 ON SECOND READING

On motion of Senator Brown 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 third reading:

HB 2996, Relating to use of certain devices to prevent operation of improperly parked vehicles.

The bill was read second time.

Senator Nixon offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2996** by adding the following after C. on line 1-22.
The sign listed above shall include the name of the establishment who is enforcing, by use of the device, as well as the time the enforcement is in effect. The sign must also provide for a phone number for the person to call to have the device removed.

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

On motion of Senator Brown and by unanimous consent, further consideration of **HB 2996** was postponed to a time certain of 9:37 p.m. today.

Question—Shall **HB 2996** as amended be passed to third reading?

HOUSE BILL 2553 ON SECOND READING

On motion of Senator Bivins 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 third reading:

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

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2553** by inserting the following new SECTIONS, appropriately numbered, and by renumbering subsequent SECTIONS of the bill accordingly and shall include but not be limited to:

SECTION ____. Chapter 39, Education Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. FINANCIAL ACCOUNTABILITY

Sec. 39.201. FINANCIAL ACCOUNTABILITY RATING SYSTEM. (a) The commissioner by rule shall establish a financial accountability rating system for school districts, to be implemented beginning in the 2001-2002 school year, based on:

(1) the findings of a district's annual audit report under Section 44.008;

(2) the agency's review of a district's annual audit report under Section 44.008(e); and

(3) quantitative performance data relating to a district collected through the Public Education Information Management System (PEIMS) established under Section 42.006.

(b) The financial accountability rating system shall compare the performance of each school district on financial excellence indicators with standards established by the commissioner.

(c) The commissioner shall in consultation with the comptroller develop and implement the financial accountability rating system.

Sec. 39.202. ANNUAL REPORTS. (a) Each year, starting with the 2002-2003 school year, the agency shall prepare and distribute to each school district a report that rates the district's prior year performance on the financial excellence indicators. The report shall include the recommendations of the commissioner under Section 44.008(e) and other appropriate recommendations.

(b) The board of trustees shall disseminate and publicize the report in accordance with the rules of the commissioner.

(c) The report may be combined with other reports and financial statements, including other reports under this chapter.

SECTION _____. Subsection (e), Section 44.008, Education Code, is amended to read as follows:

(e) The audit reports shall be reviewed by the agency, and the commissioner shall notify the board of trustees of objections, violations of sound accounting practices or law and regulation requirements, or of recommendations concerning the audit reports that the commissioner wants to make. If the audit report reflects that penal laws have been violated, the commissioner shall notify the appropriate county or district attorney, who shall thoroughly investigate, and the attorney general. The commissioner shall have access to all vouchers, receipts, district fiscal and financial records, and other school records as the commissioner considers necessary and appropriate for the review, analysis, and passing on audit reports. Beginning with the 2000-2001 school year, school districts shall make available to the agency their complete audited annual financial reports and management letters in an electronic format to be determined by the commissioner. The commissioner may waive this requirement if it will unduly burden a district.

SECTION _____. Section 402.028, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The attorney general shall ensure that prosecuting attorneys and the general public are aware of the availability of assistance under this section, including assistance in the investigation and prosecution of crimes involving public school funds.

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

On motion of Senator Bivins 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 third reading by a viva voce vote.

HOUSE BILL 2553 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2553** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 2553 was read third time and was passed by a viva voce vote.

HOUSE BILL 1861 ON SECOND 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 second reading and passage to third reading:

HB 1861, Relating to increasing private investments in transportation infrastructure in the border region.

The bill was read second time.

Senator Shapleigh offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1861** as follows:

After "(7)" and before "increasing" (House Engrossment, page 1, line 24), insert the following "to the extent allowed by applicable law,"

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

Senator Lindsay offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1861** by adding the following new appropriately numbered sections to the bill:

"SECTION __. Section 284.008(a), Transportation Code, is amended to read as follows:

(a) The commission may:

(1) provide for and contribute toward the acquisition, construction, improvement, operation, maintenance, or pooling of a project under this chapter and under terms to which the commission and the local government corporation or county agree that are consistent with the rights of bondholders or a person operating the project under a lease or other contract;

(2) lease a project under terms:

(A) to which the county or local government corporation acting under this chapter and the commission agree; and

(B) that are consistent with the bond instrument; ~~and~~

(3) declare any part of a project under this chapter to be a part of the state highway system [~~and operate any part of a project as part of the state highway system~~], to the extent that property and contract rights in the project and bonds are not affected unfavorably; and

(4) operate any part of a project under this chapter as part of the state highway system or authorize the lease, sale, or conveyance of any part of a project to the Texas Turnpike Authority division of the department.

SECTION __. Subchapter A, Chapter 284, Transportation Code, is amended by adding Section 284.009 to read as follows:

Sec. 284.009. SALE OF CERTAIN TOLL ROADS PROHIBITED. (a) This section applies only to a county with a population of 2.8 million or more.

(b) A county may not sell or otherwise transfer a toll road project to any other public or private entity without the written approval of the commission if the project was built using right-of-way any portion of which was acquired by or for the state.

(c) This section expires January 1, 2002.

SECTION ____. Subchapter B, Chapter 365, Transportation Code, is amended by adding Section 365.016 to read as follows:

Sec. 365.016. SALE OF CERTAIN TOLL ROADS PROHIBITED. (a) This section applies only to a district any portion of which is located in a county with a population of 2.8 million or more.

(b) A district may not sell or otherwise transfer a toll road project to any other public or private entity without the written approval of the commission if the project was built using right-of-way any portion of which was acquired by or for the state.

(c) This section expires January 1, 2002.

SECTION ____. The heading to Subchapter H, Chapter 361, Transportation Code, is amended to read as follows:

SUBCHAPTER H. TRANSFER OR ACQUISITION OF TURNPIKE PROJECT [TO COUNTY, MUNICIPALITY, REGIONAL TOLLWAY AUTHORITY, OR LOCAL GOVERNMENT CORPORATION]

SECTION ____. Section 361.282(b), Transportation Code, is amended to read as follows:

(b) The authority, the commission, and the governor must approve the transfer of a [the] turnpike project by the authority as being in the best interests of the state and the entity receiving the turnpike project.

SECTION ____. Subchapter H, Chapter 361, Transportation Code, is amended by adding Section 361.284 to read as follows:

Sec. 361.284. ACQUISITION OF TURNPIKE PROJECT. With the approval of the commission, the authority may purchase or otherwise acquire a turnpike project from a county under Chapter 284 or Chapter 364, a municipality under Article 1015g and Article 1015g-5, V.T.C.S., or a regional tollway authority or local government corporation created under Chapter 431. To the extent applicable, the cost of the acquisition may be financed in the manner a turnpike project of the authority is financed under Subchapter E."

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.

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

HOUSE BILL 1861 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1861** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 1861 was read third time and was passed by a viva voce vote.

HOUSE BILL 3174 ON SECOND READING

On motion of Senator Shapiro 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 third reading:

HB 3174, Relating to the application of the professional prosecutors law to the criminal district attorney of Dallas County.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 3174**, 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."

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

On motion of Senator Shapiro 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 third reading by a viva voce vote.

HOUSE BILL 3174 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3174** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 3174 was read third time and was passed by a viva voce vote.

HOUSE BILL 932 ON SECOND 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 second reading and passage to third reading:

HB 932, Relating to the use of towing safety chains.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 932** as follows:

On page 1, beginning on line 32 insert the following and renumber subsequent sections:

SECTION 2. Section 722.002, Transportation Code, is amended by amending Subdivision (2) and adding Subdivisions (3), (4), and (5) to read as follows:

(2) "Automobile club" means a person who, for consideration, promises the membership assistance in matters relating to travel, and to the operation, use, or maintenance of a motor vehicle, by supplying services such as [~~services related to~~]:

- (A) community traffic safety;
- (B) travel and touring;

(C) theft prevention or rewards;
 (D) maps;
 (E) towing;
 (F) emergency road service [~~assistance~~];
 (G) bail bonds and legal fee reimbursement in the defense of traffic offenses; ~~[and]~~
 (H) lockout or lost key service;
 (I) insurance service as provided by Section 722.0021;
 (J) immediate destination service;
 (K) trip interruption service; and
 (L) reimbursement service as provided by Section 722.0022 [~~purchase of accidental injury and death benefits insurance coverage from an authorized insurance company~~].

SECTION 3. Chapter 722, Transportation Code, is amended by adding Sections 722.0021 and 722.0022 to read as follows:

Sec. 722.0021. INSURANCE SERVICE. (a) An automobile club may provide referral service only as provided by this section.

(b) An automobile club may provide a member accidental injury and death benefit insurance coverage through purchase of a group policy of insurance issued to the automobile club for the benefit of its members. The coverage must be purchased from an insurance company authorized to sell that type of coverage in this state. The automobile club shall provide each member covered by the insurance a certificate of participation. The certificate of participation must state on its face in at least 14-point black boldface type that the certificate is only a certificate of participation in a group accidental injury and death policy and is not motor vehicle liability insurance coverage.

(c) An automobile club may endorse insurance products and refer members to agents or insurers authorized to provide the insurance products in this state. The automobile club or an agent of the automobile club may not receive remuneration for the referral.

(d) Except as provided by Subsection (e), an automobile club performing services permitted by this chapter is not subject to regulation under the insurance laws of this state because of the performance of those services.

(e) An automobile club may sell insurance products to a member for a consideration separate from the amount that the member pays for membership in the automobile club if the automobile club is properly licensed as an agent under the applicable provisions of the Insurance Code.

(f) The commissioner of insurance may adopt reasonable rules to implement this section.

Sec. 722.0022. REIMBURSEMENT SERVICE. (a) An automobile club may reimburse expenditures by a member only for:

- (1) bail bonds and legal fees in defense of a traffic offense;
- (2) towing;
- (3) emergency road service not to exceed \$250 for each occurrence;
- (4) lockout or lost key service;
- (5) immediate destination service not to exceed \$50 for each occurrence; and
- (6) trip interruption service not to exceed \$1,500 for each occurrence.

(b) The commissioner of insurance may adopt reasonable rules to implement this section.

SECTION 4. Section 722.013, Transportation Code, is repealed.

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.

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

HOUSE BILL 932 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 932** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Luna.

HB 932 was read third time and was passed by a viva voce vote.

MOTION TO PLACE HOUSE BILL 2276 ON SECOND READING

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

HB 2276, Relating to the period for filing an application for a place on the general primary election ballot in 2000 and to related dates and deadlines.

There was objection.

Senator Shapiro then moved to suspend the regular order of business and take up **HB 2276** for consideration at this time.

The motion was lost by the following vote: Yeas 18, Nays 11. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Bivins, Brown, Duncan, Ellis, Fraser, Harris, Haywood, Jackson, Lindsay, Nelson, Nixon, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West.

Nays: Barrientos, Bernsen, Cain, Gallegos, Lucio, Madla, Moncrief, Ogden, Truan, Whitmire, Zaffirini.

Absent: Carona.

Absent-excused: Luna.

HOUSE BILL 3206 ON SECOND READING

The President laid before the Senate as postponed business **HB 3206**. The bill was read second time, Floor Amendment No. 1 was offered, and further consideration was postponed to a time certain of 9:36 p.m. today.

HB 3206, Relating to certain election processes and procedures; providing criminal penalties.

Question—Shall Floor Amendment No. 1 to **HB 3206** be adopted?

On motion of Senator Shapleigh and by unanimous consent, further consideration of **HB 3206** was postponed to a time certain of 11:53 p.m. today.

Question—Shall Floor Amendment No. 1 to **HB 3206** be adopted?

HOUSE BILL 2996 ON SECOND READING

The President laid before the Senate as postponed business **HB 2996**. The bill was amended on second reading and further consideration was postponed to a time certain of 9:37 p.m. today.

HB 2996, Relating to use of certain devices to prevent operation of improperly parked vehicles.

Question—Shall **HB 2996** as amended be passed to third reading?

On motion of Senator Brown and by unanimous consent, further consideration of **HB 2996** was postponed to a time certain of 11:54 p.m. today.

Question—Shall **HB 2996** as amended be passed to third reading?

HOUSE BILL 4 ON SECOND READING

On motion of Senator Shapiro 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 third reading:

HB 4, Relating to the regulation of certain political contributions, political expenditures, and political advertising; providing civil penalties.

The bill was read second time.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 4** as follows:

(1) In SECTION 6 of the bill, strike added Section 253.0312(b), Election Code (senate committee report, page 4, lines 28-33), and substitute the following:

(b) A candidate or officeholder who is required to designate a principal political committee may make a political expenditure from the candidate's or officeholder's personal funds if the principal political committee reports the expenditure as required by Section 254.062 and, if the candidate or officeholder intends to be reimbursed from political contributions, reports the expenditure as provided by Section 253.035(h) or 253.0351.

(2) In SECTION 13 of the bill, in added Section 254.002(a), Election Code (senate committee report, page 6, line 8), strike "or accepted".

(3) In SECTION 14 of the bill, strike added Section 254.031(c), Election Code (senate committee report, page 7, lines 16-18), and substitute the following:

(c) An in-kind political contribution required to be reported under Subsection (a)(1) must be reported on a separate page of the report.

(4) In SECTION 20 of the bill, in amended Section 254.042(a), Election Code (senate committee printing page 9, line 24), strike "254.038 [~~or 254.039~~]" and substitute "Section 254.038, 254.0381, or 254.039".

(5) In SECTION 21 of the bill, in the heading to amended Section 254.062, Election Code (senate committee report, page 10, line 56), strike "EXECUTIVE OR

LEGISLATIVE CANDIDATE;" and substitute "CERTAIN CANDIDATES AND OFFICEHOLDERS;".

(6) In SECTION 21 of the bill, in amended Section 254.062(a), Election Code (senate committee report, page 10, line 57), between "candidate for" and "an office", insert "or holder of".

(7) In SECTION 21 of the bill, in amended Section 254.062(b), Election Code (senate committee report, page 10, line 63), between "candidate for" and "an office", insert "or holder of".

(8) In SECTION 21 of the bill, in amended Section 254.062, Election Code (senate committee report, page 10, lines 67-69), strike "(c) In this section, 'principal political committee of a candidate' means a specific-purpose committee established under Section 251.010 for supporting a candidate.".

The amendment was read.

On motion of Senator Shapiro and by unanimous consent, Floor Amendment No. 1 was withdrawn.

Senator Bernsen offered the following amendment to the bill:

Floor Amendment No. 2

Amend **HB 4** by adding the following appropriately number section and by renumbering the remaining sections as appropriate:

SECTION _____. Section 87.121, Election Code, is amended by adding Subsection (g) to read as follows:

(g) Information on the roster for a person who votes an early voting ballot by personal appearance must be made available for public inspection not later than the day after the day the person votes.

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

Senator West offered the following amendment to the bill:

Floor Amendment No. 3

Amend **HB 4** as follows:

(1) Between SECTIONS 11 and 12 of the bill (senate committee report, page 5, between lines 65 and 66), insert the following new SECTIONS, appropriately numbered:

SECTION ___. Section 253.042(b), Election Code, is amended to read as follows:

(b) A candidate or officeholder who accepts one or more political contributions in the form of loans, including an extension of credit or a guarantee of a loan or extension of credit, from one or more persons related to the candidate or officeholder within the second degree by affinity or consanguinity may not use political contributions to repay the loans in amounts that in the aggregate exceed the amount prescribed by Subsection (a). A candidate or officeholder may not use political contributions, in amounts that in the aggregate exceed the amount prescribed by Subsection (a), to repay any other loan or extension of credit for which the candidate or officeholder is personally liable.

SECTION ___. Section 253.162, Election Code, is amended to read as follows:

Sec. 253.162. RESTRICTIONS ON REIMBURSEMENT OF PERSONAL FUNDS AND PAYMENTS ON CERTAIN LOANS. (a) A judicial candidate or

officeholder who makes political expenditures from the person's personal funds may not reimburse the personal funds from political contributions in amounts that in the aggregate exceed, for each election in which the person's name appears on the ballot:

(1) for a statewide judicial office, \$100,000; or

(2) for an office other than a statewide judicial office, five times the applicable contribution limit under Section 253.155.

(b) A judicial candidate or officeholder may not:

(1) use political contributions to repay a loan [~~who accepts one or more political contributions in the form of loans~~], including an extension of credit or a guarantee of a loan or extension of credit, from one or more persons related to the candidate or officeholder within the second degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code; or

(2) use political contributions, in amounts that in the aggregate exceed the amount prescribed by Subsection (a), to repay any other loan or extension of credit for which the candidate or officeholder is personally liable [~~may not use political contributions to repay the loans~~].

(c) The total amount of both reimbursements under Subsection (a) and repayments under Subsection (b)(2) made by a candidate or officeholder may not exceed the amount prescribed by Subsection (a).

(d) A person who is both a candidate and an officeholder may reimburse the person's personal funds or repay loans from political contributions only in one capacity.

(e) [(d)] A person who violates this section is liable for a civil penalty not to exceed three times the amount by which the reimbursement made in violation of this section exceeds the applicable limit prescribed by Subsection (a).

(2) Between SECTIONS 33 and 34 of the bill (senate committee report, page 14, between lines 63 and 64), insert the following:

SECTION __. Sections 253.042(b) and 253.162, Election Code, as amended by this Act, apply only to repayment of a loan or extension of credit made on or after January 1, 2000. The repayment of a loan or extension of credit made before January 1, 2000, is governed by the law in effect on the date the loan or extension of credit is made, and the former law is continued in effect for that purpose.

(3) Renumber the SECTIONS of the bill accordingly.

The amendment was read.

On motion of Senator West and by unanimous consent, Floor Amendment No. 3 was withdrawn.

VOTE RECONSIDERED

On motion of Senator Bernsen and by unanimous consent, the vote by which Floor Amendment No. 2 was adopted was reconsidered.

Question—Shall Floor Amendment No. 2 to **HB 4** be adopted?

On motion of Senator Bernsen and by unanimous consent, Floor Amendment No. 2 was withdrawn.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 4

Amend **HB 4** as follows:

Strike all below the enacting clause and substitute the following:

SECTION 1. The purpose of this Act is to regulate certain political contributions, political expenditures, political advertising, campaign procedures generally; and to provide civil penalties.

BARRIENTOS	MONCRIEF
ARMBRISTER	NELSON
BROWN	RATLIFF
ELLIS	SHAPIRO
FRASER	SHAPLEIGH
HARRIS	TRUAN
HAYWOOD	WENTWORTH
LINDSAY	WEST
LUCIO	ZAFFIRINI
MADLA	

The amendment was read.

POINT OF ORDER

Senator Whitmire raised a point of order that the time being 12:02 a.m., further consideration of **HB 4** violated Senate Rule 7.25, which states that no vote shall be taken upon the passage of any bill on its third reading after the 135th day of a regular session.

POINT OF ORDER RULING

The President ruled that the point of order was well-taken and sustained.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER
Austin, Texas
May 26, 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:

HCR 303, Honoring Leland and Patsy Kelley on their 50th wedding anniversary.

SB 24, Relating to the prosecution and punishment of certain domestic violence offenses.

SB 50, Relating to the application for, issuance of, and contents of a protective order.

(Committee Substitute/Amended)

SB 71, Relating to the creation of the Judicial Compensation Commission.

SB 74, Relating to the designation of a portion of State Highway 44 as the Cesar Chavez Memorial Highway.

SB 92, Relating to the voluntary surrender or automatic forfeiture of a license of a title insurance agent, direct operation, escrow officer, or title attorney.

SB 104, Relating to keeping school campuses open after school hours for recreational purposes, latchkey programs, and tutoring.
(Committee Substitute)

SB 105, Relating to reports of an audit by a title insurance agent or direct operation of a title insurance company.

SB 132, Relating to the requirements for the issuance of special license plates or vehicle parking placards to persons with disabilities.

SB 153, Relating to the payment of costs in a proceeding for court-ordered mental health services.
(Amended)

SB 154, Relating to the modification of restrictive covenants applicable to certain real property.

SB 155, Relating to a limitation on the amount charged for parking in connection with a special event; creating an offense.
(Amended)

SB 191, Relating to restrictions on certain actions involving the executive head of a state agency; providing a penalty.

SB 214, Relating to the effect of certain regulations adopted by a joint airport zoning board.

SB 223, Relating to restrictions on spending by state agencies for certain employee training or certain membership dues.
(Amended)

SB 229, Relating to the collection of certain fines, court costs, and restitution in criminal cases.

SB 272, Relating to regional water planning groups.

SB 329, Relating to the date on which certain tax payments are due.

SB 337, Relating to the distribution of the proceeds from a property tax sale.

SB 338, Relating to the time at which the commissioners court of a county must hold a hearing on a proposed budget.

SB 376, Relating to the statutory courts of Denton County.

SB 383, Relating to access to criminal history record information by a political subdivision for certain background checks.

SB 391, Relating to the enforcement of a child support order by a domestic relations office and to requests for related information.
(Amended)

SB 399, Relating to requiring registration of certain offenders under the sex offender registration program.

SB 403, Relating to the liability of a criminal defendant and the defendant's sureties on a personal bond or a bail bond.
(Committee Substitute/Amended)

SB 408, Relating to the fee for registration of certain vehicles used for charitable purposes.

SB 416, Relating to parking privileges for vehicles of certain veterans or the surviving spouses of certain veterans.

SB 421, Relating to a determination of mental competency in the prosecution of criminal cases and to the disposition of defendants found to be incompetent before trial or after conviction.

SB 432, Relating to the designation of an initial or a renewal registration period by the owner of a motor vehicle or a trailer.

SB 434, Relating to the disclosure of certain information by a property owners' association.
(Amended)

SB 441, Relating to the application of the sales and use tax to certain services.
(Committee Substitute/Amended)

SB 463, Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Walker County.
(Amended)

SB 469, Relating to the retention of certain appellate court records.
(Amended)

SB 476, Relating to inclusion of special education students in certain public education decisions.

SB 484, Relating to defining a local exchange access line and an equivalent local exchange access line for purposes of the imposition of 9-1-1 emergency services fees and the exclusion of certain telephone lines used to provide Internet access.

SB 496, Relating to increasing the maximum size of an urban homestead to 10 acres, prescribing permissible uses of rural and urban homesteads, and permitting an existing lien upon part of a homestead to extend to another part of the homestead.
(Amended)

SB 510, Relating to notification to students of the law that grants automatic college admission to certain students.
(Committee Substitute)

SB 528, Relating to the civil and criminal consequences of certain actions of a minor involving the acquisition, possession, or use of alcohol; providing penalties.
(Amended)

SB 542, Relating to the operation and management of local mental health and mental retardation authorities and community centers.
(Amended)

SB 570, Relating to certain business documents filed and recorded with the secretary of state.

SB 571, Relating to judicial review of the secretary of state's refusal to register or renew a trademark or service mark.

SB 576, Relating to the reporting of public school class size.
(Committee Substitute)

SB 581, Relating to the requirements for and the liability of certain employers who are required to withhold child support from an employee's earnings.
(Amended)

SB 602, Relating to the membership and powers of the Interagency Council for Genetic Services.
(Committee Substitute)

SB 607, Relating to developing and maintaining a database of the state's defense contractors.

SB 609, Relating to the duties of an attorney ad litem in a suit affecting the parent-child relationship.
(Committee Substitute)

SB 611, Relating to the appointment and duties of criminal magistrates for certain courts of Williamson County.

SB 623, Relating to certain requirements applicable to the construction of affordable housing.
(Amended)

SB 624, Relating to certain crime control and prevention districts.
(Amended)

SB 657, Relating to the development of water management strategies for periods of drought.

SB 666, Relating to exemptions from work or employment activity participation requirements for certain Temporary Assistance for Needy Families (TANF) recipients.
(Amended)

SB 669, Relating to certain contracting procedures for school districts and institutions of higher education.
(Committee Substitute/Amended)

SB 673, Relating to the establishment and funding of a program to educate residents about anatomical gifts.
(Amended)

SB 694, Relating to the written notice of the appraised value of property for ad valorem tax purposes delivered by a chief appraiser to the property owner.
(Amended)

SB 724, Relating to continuing education courses and programs for public school educators.
(Committee Substitute)

SB 731, Relating to structured settlements.
(Committee Substitute/Amended)

SB 751, Relating to the composition of the University of North Texas System.
(Amended)

SB 760, Relating to magistrates in Lubbock County.

SB 762, Relating to limitations on the amount of funds placed in linked deposits.

SB 766, Relating to the issuance of certain permits for the emission of air contaminants.
(Committee Substitute/Amended)

SB 773, Relating to the management of a community mental health center under certain circumstances.
(Amended)

SB 777, Relating to the regulation of driver training courses.
(Committee Substitute)

SB 779, Relating to the payment of ad valorem taxes by electronic funds transfer.
(Committee Substitute)

SB 788, Relating to claims against, including motions for the recusal or disqualification of, certain judges.

SB 824, Relating to the powers of municipalities that have created certain reinvestment zones.
(Committee Substitute)

SB 830, Relating to billing policies of certain health care professionals and facilities; providing administrative penalties.

SB 836, Relating to certain buses used to transport students to school-related activities.
(Amended)

SB 867, Relating to a loan guarantee to convert a contract for deed to a warranty deed.

SB 870, Relating to the right of parents to information concerning special education.

SB 874, Relating to the general power of the Parks and Wildlife Department to contract.

SB 875, Relating to the financial accountability of school districts.
(Committee Substitute)

SB 881, Relating to enrollment periods for employer health benefit plans.

SB 899, Relating to certain investments and rate reductions by insurance companies and related organizations; providing an administrative penalty.
(Amended)

SB 917, Relating to the composition of the 33rd and 198th judicial districts and the composition of the Third and Sixth administrative judicial regions.

SB 930, Relating to entities eligible for grants because of a reduction in defense-related activity.

SB 932, Relating to regulation of tattoo studios; providing penalties.
(Amended)

SB 955, Relating to pre-reading instruction and the provision of scholarships, bonuses, wage supplementation, and student loan repayment assistance for certain professional child-care workers.
(Committee Substitute/Amended)

SB 984, Relating to insurers' written statements of the reasons for cancellation, declination, or nonrenewal of certain insurance policies.
(Amended)

SB 995, Relating to a review of the Harris County Hospital District.
(Committee Substitute)

SB 1001, Relating to multicounty statutory probate courts.

SB 1007, Relating to the staffing of certain courts with statutory probate court jurisdiction.

SB 1013, Relating to increasing the flexibility in the types of projects which housing finance corporations may finance.

SB 1026, Relating to cooperative programs between certain educational institutions under which students may work at the Lyndon B. Johnson Space Center.
(Amended)

SB 1073, Relating to restrictions on and notice of the location of a shelter for homeless individuals in certain municipalities.

SB 1084, Relating to the assignment of benefits for dental care services.

SB 1085, Relating to forming a professional association for the practice of dentistry.

SB 1088, Relating to the creation of the Texas Tech University System.
(Amended)

SB 1089, Relating to the investment of debt service funds by school districts, junior college districts, and community college districts.

SB 1091, Relating to the issuance and sale of bonds and time warrants by school districts and the issuance of obligations and execution of credit agreements by certain school districts and junior college districts.

SB 1097, Relating to the authority of this state or a political subdivision of this state to participate in a challenge, protest, or appeal regarding the ad valorem tax appraisal of a taxable leasehold or other possessory interest in real property owned by this state or the political subdivision.

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

SB 1106, Relating to a statement of facts concerning the identity of heirs.
(Committee Substitute)

SB 1127, Relating to the purchase of goods and services by the state.
(Amended)

SB 1130, Relating to programs and systems administered by the Employees Retirement System of Texas.
(Committee Substitute)

SB 1150, Relating to statutory county court jurisdiction with respect to matters over which a statutory probate court has jurisdiction.

SB 1169, Relating to advertising in the Texas driver's handbook.
(Amended)

SB 1171, Relating to the power and authority of the Upper Guadalupe River Authority to borrow money for corporate purposes.
(Committee Substitute)

SB 1183, Relating to providing financial incentives to veterinary college students and graduates who agree to practice in a rural county.
(Committee Substitute)

SB 1192, Relating to providing notice of a violation before filing certain suits relating to interference with a possessory interest in a child.

SB 1209, Relating to communication in an electronic format between a property owner and a chief appraiser of an appraisal district for the purpose of ad valorem taxation.

SB 1224, Relating to sex offender civil commitment and registration and to provisions of the sex offender registration law for which a person who is in noncompliance commits a criminal offense.

SB 1232, Relating to the regulation of birthing centers.
(Committee Substitute)

SB 1233, Relating to the regulation of athletic trainers.

SB 1238, Relating to accreditation of environmental testing laboratories.
(Committee Substitute)

SB 1239, Relating to the Texas Department of Health's regulation of certain food establishments.

SB 1249, Relating to the licensing of ambulatory surgical centers.
(Committee Substitute)

SB 1257, Relating to developer participation contracts.

SB 1288, Relating to the establishment and operation of a campus extension of The University of Texas Health Science Center at San Antonio.
(Committee Substitute/Amended)

SB 1320, Relating to the amount retained in the lottery pooled bond fund.

SB 1426, Relating to the board of directors of the Lubbock Reese Redevelopment Authority.

SB 1427, Relating to the powers of the Lubbock Reese Redevelopment Authority, including the power of eminent domain, the imposition of taxes, and the issuance of bonds.

SB 1428, Relating to the legal description of land in the Lubbock Reese Redevelopment Authority.

SB 1429, Relating to the amount paid for bounties for predatory animals.

SB 1435, Relating to appraisal of heavy equipment for ad valorem tax purposes. (Committee Substitute)

SB 1436, Relating to the authority of a judge to conduct certain judicial proceedings in a county other than the one in which the suit is filed. (Committee Substitute)

SB 1441, Relating to expanding the specialized telecommunications devices assistance program and contracts for special features of the telecommunications relay access service. (Committee Substitute)

SB 1464, Relating to the appraisal of furniture, fixtures, and equipment for ad valorem tax purposes.

SB 1468, Relating to the regulation of physician joint negotiation. (Committee Substitute/Amended)

SB 1507, Relating to the evaluation by the Texas Workforce Commission of federal trade adjustment programs designed to assist certain persons in obtaining employment.

SB 1511, Relating to the creation of a county assistance district in certain counties in which a rapid transit or regional transportation authority is located; authorizing a sales and use tax.

SB 1553, Relating to use of homestead property to secure debts of decedents' estates.

SB 1577, Relating to training for parole officers who supervise gang members released from the Texas Department of Criminal Justice on parole or mandatory supervision.

SB 1580, Relating to the creation of the Texas Violent Gang Task Force.

SB 1595, Relating to the operation of the Angleton-Danbury Hospital District of Brazoria County, Texas; authorizing the issuance of bonds. (Amended)

SB 1623, Relating to the consideration of a trust as property liable for the support of a resident at a state facility for the mentally retarded.

SB 1650, Relating to the public notice requirements applicable to persons who are subject to sex offender registration. (Amended)

SB 1651, Relating to the establishment of the Texas Chiropractic College as a public institution of higher education. (Amended)

SB 1670, Relating to the support of a child enrolled in courses for joint high school and junior college credit.

SB 1677, Relating to the method of payment of fees for goods sold or services provided by the Texas Department of Transportation or for the administration of Texas Department of Transportation programs.

SB 1678, Relating to the regulation of social workers and social work associates; providing civil and administrative penalties.

SB 1703, Relating to loan assistance for low-income individuals and families.
(Committee Substitute)

SB 1724, Relating to public school campus improvement plans and school district performance reports.
(Amended)

SB 1726, Relating to the filing of certain judicial office campaign treasurer appointments and campaign finance reports.

SB 1731, Relating to the period during which the School Land Board may reduce the royalty rate under certain oil and gas leases.

SB 1741, Relating to removal of the disabilities of minority.

SB 1751, Relating to funds maintained by and for the Texas Turnpike Authority division of the Texas Department of Transportation.

SB 1766, Relating to the commissioning of peace officers at the Texas School for the Deaf.

SB 1775, Relating to the regulation of certain providers of service contracts; providing penalties.
(Committee Substitute)

SB 1816, Relating to terms of community supervision for violation of an order in a suit affecting the parent-child relationship.

SB 1824, Relating to the creation of the County Criminal Court No. 11 of Dallas County, Texas.

SB 1832, Relating to the location of polling places and to certain ballots for write-in voting.

SB 1833, Relating to disposing of certain waste created by home health providers.

SB 1840, Relating to the powers of the Hopkins County Hospital District.
(Amended)

SB 1841, Relating to the abolition of the Texas eminent scholars program.

SB 1846, Relating to the exception from required disclosure under the public information law of certain information related to peace officers killed in the line of duty.

SB 1866, Relating to the creation of the Harris County Municipal Management District No. 1; providing authority to impose a tax and issue bonds.
(Committee Substitute)

SB 1884, Relating to independent review of certain health insurance claims.

SB 1896, Relating to the sale of real property by counties.
(Committee Substitute)

SB 1901, Relating to the disposition or sale of impounded estrays by a county.

SB 1906, Relating to the creation of a privilege for dental records and communications with a dentist and to the availability of dental records.
(Amended)

SB 1911, Relating to the creation, administration, powers, duties, operation, and financing of certain groundwater conservation districts.
(Committee Substitute/Amended)

SCR 12, Requesting the comptroller of public accounts to develop strategies to increase efficiency and reduce complexity of fee collection and dispersal by county and municipal clerks.

SCR 14, Requesting the Office of Court Administration to work with the Judicial Committee on Information Technology to notify counties of a defendant's residence.

SCR 18, Granting Anderson Columbia Environmental, Inc., permission to sue the state and the Texas Natural Resource Conservation Commission.
(Committee Substitute)

SCR 24, Granting DalMac Construction Company, Inc., permission to sue the State and Texas A&M University.
(Committee Substitute/Amended)

SCR 33, Granting Gibson Recycling, Inc., permission to sue the state and the Texas Natural Resource Conservation Commission.
(Committee Substitute/Amended)

SCR 56, Encouraging the Texas Natural Resource Conservation Commission to eliminate duplication between its Section 401 water quality certification program and the review conducted by the United States Army Corps of Engineers.
(Committee Substitute)

SCR 59, Conferring the Texas Legislative Medal of Honor on First Lieutenant Jack Llewellyn Knight.

SCR 72, Granting Dean Lumber Company, Inc., permission to sue the state and the Texas Natural Resource Conservation Commission.

SCR 75, Memorializing congress to take certain actions regarding qualification of reimbursement under Medicaid.

SJR 10, Proposing a constitutional amendment relating to the creation of a judicial compensation commission.

THE HOUSE HAS CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 23 (Viva-voce vote)

HB 98 (Viva-voce vote)

HB 160 (Viva-voce vote)
HB 245 (Viva-voce vote)
HB 508 (Viva-voce vote)
HB 550 (Viva-voce vote)
HB 580 (Viva-voce vote)
HB 714 (Viva-voce vote)
HB 734 (Viva-voce vote)
HB 804 (Viva-voce vote)
HB 817 (136 ayes, 4 nays, 2 present, not voting)
HB 836 (Viva-voce vote)
HB 926 (Viva-voce vote)
HB 962 (Viva-voce vote)
HB 1064 (143 ayes, 0 nays, 3 present, not voting)
HB 1102 (Viva-voce vote)
HB 1111 (144 ayes, 0 nays, 2 present, not voting)
HB 1168 (Viva-voce vote)
HB 1322 (Viva-voce vote)
HB 1328 (145 ayes, 0 nays, 2 present, not voting)
HB 1379 (Viva-voce vote)
HB 1420 (Viva-voce vote)
HB 1511 (Viva-voce vote)
HB 1542 (144 ayes, 0 nays, 2 present, not voting)
HB 1571 (Viva-voce vote)
HB 1654 (Viva-voce vote)
HB 1655 (144 ayes, 0 nays, 2 present, not voting)
HB 1764 (143 ayes, 0 nays, 2 present, not voting)
HB 1876 (Viva-voce vote)
HB 1921 (145 ayes, 0 nays, 2 present, not voting)
HB 1924 (Viva-voce vote)
HB 2045 (Viva-voce vote)
HB 2124 (Viva-voce vote)
HB 2202 (93 ayes, 37 nays, 1 present not voting)
HB 2394 (Viva-voce vote)
HB 2421 (Viva-voce vote)
HB 2441 (Viva-voce vote)
HB 2522 (Viva-voce vote)
HB 2526 (Viva-voce vote)
HB 2537 (Viva-voce vote)
HB 2539 (Viva-voce vote)
HB 2572 (145 ayes, 0 nays, 2 present, not voting)
HB 2573 (Viva-voce vote)
HB 2620 (Viva-voce vote)
HB 2760 (Viva-voce vote)
HB 2787 (Viva-voce vote)
HB 2835 (Viva-voce vote)
HB 2842 (Viva-voce vote)
HB 2873 (144 ayes, 0 nays, 2 present, not voting)
HB 2879 (Viva-voce vote)

HB 2894 (Viva-voce vote)
HB 2977 (Viva-voce vote)
HB 3084 (144 ayes, 0 nays, 2 present, not voting)
HB 3159 (Viva-voce vote)
HB 3191 (Viva-voce vote)
HB 3197 (Viva-voce vote)
HB 3204 (Viva-voce vote)
HB 3207 (137 ayes, 0 nays, 2 present not voting)
HB 3265 (Viva-voce vote)
HB 3272 (Viva-voce vote)
HB 3333 (Viva-voce vote)
HB 3433 (Viva-voce vote)
HB 3458 (Viva-voce vote)
HB 3481 (144 ayes, 0 nays, 2 present, not voting)
HB 3492 (Viva-voce vote)
HB 3598 (Viva-voce vote)
HB 3741 (Viva-voce vote)
HB 3780 (Viva-voce vote)
HB 3809 (137 AYES, 0 NAYS, 2 PRESENT NOT VOTING)

THE HOUSE HAS REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 352

House Conferees: Denny - Chair/Alexander/Davis, Yvonne/Hawley/Madden

HB 400

House Conferees: Thompson - Chair/Haggerty/Hinojosa/Solis, Jim/Uresti

HB 485

House Conferees: Hill - Chair/Bailey/Carter/Clark/Hilbert

HB 542

House Conferees: Brimer - Chair/Corte/Dukes/Giddings/Woolley

HB 577

House Conferees: Giddings - Chair/Dunnam/Dutton/Hinojosa/Turner, Sylvester

HB 662

House Conferees: Hilderbran - Chair/Brown, Betty/Farabee/Ramsay/Swinford

HB 918

House Conferees: Reyna, Arthur - Chair/Capelo/Deshotel/Hartnett/Thompson

HB 1104

House Conferees: Dunnam - Chair/Hochberg/Lengefeld/Reyna, Arthur/Smith

HB 1140

House Conferees: Thompson - Chair/Garcia/Hinojosa/Solis, Jim/Uresti

HB 1172

House Conferees: Chisum - Chair/Allen/Culberson/Dukes/Palmer

HB 1275

House Conferees: Luna - Chair/Dunnam/Hill/Sadler/Smith

HB 1291

House Conferees: Brimer - Chair/Brown, Fred/Crabb/Mowery/Walker

HB 1444

House Conferees: Delisi - Chair/Coleman/Gray/Hilderbran/Maxey

HB 1607

House Conferees: Thompson - Chair/Hartnett/Hinojosa/Solis, Jim/Uresti

HB 1702

House Conferees: Delisi - Chair/Bonnen/Greenberg/Telford/Tillery

HB 1703

House Conferees: Gallego - Chair/Alexander/Davis, Yvonne/Hawley/Siebert

HB 1984

House Conferees: Bosse - Chair/Carter/Keel/Najera/Turner, Bob

HB 2145

House Conferees: Allen - Chair/Berman/Haggerty/McClendon/Turner, Bob

HB 2175

House Conferees: Uher - Chair/Cuellar/Glaze/Pitts/Walker

HB 2434 (Viva-voce vote)

House Conferees: Uher - Chair/Bonnen/Carter/Greenberg/Tillery

HB 2510

House Conferees: Dukes - Chair/Brimer/George/Giddings/Ritter

HB 2611

House Conferees: Greenberg - Chair/Danburg/Gallego/Madden/Uher

HB 2748

House Conferees: Smithee - Chair/Eiland/Lewis, Glenn/Olivo/Seaman

HB 2815

House Conferees: Junell - Chair/Cook/Counts/King, Tracy/Swinford

HB 2947

House Conferees: Goodman - Chair/King, Phil/Morrison/Naishtat/Reyna, Arthur

HB 2997

House Conferees: Culberson - Chair/Berman/Jones, Charles/Madden/Noriega

HB 3079

House Conferees: Kuempel - Chair/Elkins/Homer/Hope/Merritt

HB 3304

House Conferees: Thompson - Chair/Capelo/Hartnett/Hinojosa/Solis, Jim

HB 3582

House Conferees: Keffer - Chair/Alvarado/Craddick/Nixon/Smithee

HB 3757

House Conferees: Giddings - Chair/Burnam/Jones, Jesse/Lewis, Glenn/Olivo

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 4

House Conferees: Sadler - Chair/Dunnam/Dutton/Grusendorf/Hochberg

SB 46

House Conferees: Hinojosa - Chair/Goolsby/Keel/Smith/Wise

SB 913

House Conferees: Oliveira - Chair/Chavez/Cuellar/Flores/Solis, Jim

SB 1423

House Conferees: Noriega - Chair/Christian/Maxey/Naishtat/Truitt

SB 1525

House Conferees: Uher - Chair/Coleman/Hilderbran/McClendon/Uresti

THE HOUSE HAS ADOPTED THE FOLLOWING CONFERENCE COMMITTEE REPORTS:

HB 1 (142 ayes, 1 nay, 2 present, not voting)

HB 1362 (Viva-voce vote)

SB 61 (Viva-voce vote)

SB 781 (Viva-voce vote)

SB 801 (143 ayes, 0 nays, 1 present not voting)

SB 1129 (Viva-voce vote)

THE HOUSE HAS DISCHARGED ITS CONFEREES AND CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 3021 (Viva-voce vote)

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2085**

Senator Brown submitted the following Conference Committee Report:

Austin, Texas
May 20, 1999

Honorable Rick Perry
President of the Senate

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

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2085** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BROWN
MADLA

MCCALL
GRAY

BERNSEN
 NELSON
 LINDSAY

On the part of the Senate

BOSSE
 GLAZE
 HILDERBRAN

On the part of the House

The Conference Committee Report was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
 SENATE BILL 287**

Senator Brown submitted the following Conference Committee Report:

Austin, Texas
 May 25, 1999

Honorable Rick Perry
 President of the Senate

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

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 287** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BROWN
 LUCIO

ARMBRISTER
 HAYWOOD
 BARRIENTOS

On the part of the Senate

KUEMPEL
 COOK
 HOPE
 MCREYNOLDS
 ZBRANEK

On the part of the House

**A BILL TO BE ENTITLED
 AN ACT**

relating to the Texas parks and wildlife capital account.

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

SECTION 1. Section 11.043, Parks and Wildlife Code, is amended to read as follows:

Sec. 11.043. **TEXAS PARKS AND WILDLIFE CONSERVATION AND CAPITAL ACCOUNT.** (a) The Texas parks and wildlife conservation and capital account is a separate account in the general revenue fund.

(b) The account consists of the amount of credits made to the department under Section 151.801, Tax Code, after allocations to the state parks account and the Texas recreation and parks account, proceeds of revenue bonds issued under Section 13.0045, or any other source authorized by law.

(c) Except as provided by Subsection (d), money in the account may be spent only for acquisition and development, maintenance, or operation of parks, fisheries, and wildlife projects that have been individually approved by the commission. Projects that directly provide hunting, fishing, or outdoor recreation opportunity to the public shall be given preference for funding under this section. Approved projects may include:

- (1) acquiring land or facilities for use in any department program;
- (2) developing and improving any land or facility owned or controlled by the department;
- (3) servicing the debt on Texas park development bonds issued under Article III, Section 49-e, of the Texas Constitution or any other bonds issued for parks, fisheries, or wildlife projects; ~~and~~
- (4) local park grants in Chapter 24 of this code;
- (5) initiating or participating in partnerships to enhance conservation of historical, cultural, or natural resources;
- (6) operational and maintenance costs in association with any parks, fisheries, wildlife projects, or department law enforcement efforts in support of this code; and
- (7) meeting the requirements for providing matching money for any federal grants for parks, fisheries, or wildlife projects.

(d) The proceeds of bonds issued under Section 13.0045 and deposited to the account may be spent to finance parks and wildlife projects, including the repair, renovation, improvement, and equipping of parks and wildlife facilities.

(e) The comptroller may invest money in the account.

SECTION 2. This Act takes effect September 1, 1999.

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.

The Conference Committee Report was filed with the Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 1207

Senator Cain submitted the following Conference Committee Report:

Austin, Texas
May 26, 1999

Honorable Rick Perry
President of the Senate

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

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 1207** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

CAIN
NELSON
MONCRIEF
NIXON
BERNSEN

On the part of the Senate

MCCALL
GLAZE
GRAY
MAXEY

On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to the Texas State Board of Medical Examiners and the licensure of physicians; appropriating fees and providing penalties.

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

SECTION 1. Section 2.09, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is amended by amending Subsections (d), (h), (k), and (t) and adding Subsection (bb) to read as follows:

(d) The board shall preserve a record of its proceedings which shall be a public record. ~~[The board shall also maintain records showing the name, age, place, and duration of residence of each applicant, the time spent in medical study in respective medical schools, and the years and schools from which degrees were granted.]~~ The record shall ~~[also]~~ show whether applicants were denied ~~[rejected]~~ or licensed and shall be prima facie evidence of all matters contained in the record. A certified copy of those permanent records, with the hand and seal of the executive director ~~[secretary-treasurer]~~ of the board, shall be admitted in evidence in all courts.

(h) The board may receive criminal records or reports from any law enforcement agency or source pertaining to its licensees or any applicant for license. The board may ~~[shall]~~ submit to the Department of Public Safety a complete set of fingerprints of every applicant for a license, and the Department of Public Safety shall cause them to be classified and checked against those in their fingerprint files and shall ~~[forthwith]~~ certify their findings concerning the criminal record of the applicant or shall report the lack of a criminal record, as the case may be, to the board. All criminal records and reports received from the Department of Public Safety shall be for the exclusive use of the board and shall be privileged and shall not be released or otherwise disclosed to any person or agency by the board except on court order. ~~[Any applicant for licensure or any licensee whose license is subject to revocation, cancellation, or suspension because of adverse information contained in the criminal records or reports shall be afforded the opportunity for a hearing before the board prior to any action on the application for license or revocation, cancellation, or suspension of license.]~~

(k) The board by rule shall establish reasonable and necessary fees so that the fees, in the aggregate, produce sufficient revenue to cover the cost of administering this Act. The fees set by the board may be adjusted so that the total fees collected shall be sufficient to meet the expenses of administering this Act. The board may not set a fee for an amount less than the amount of that fee on September 1, 1993. The board may not waive collection of any fee or penalty. The board shall place all receipts collected ~~[fees received]~~ under authority of this Act ~~[, not otherwise specified, into the medical licensing fund]~~ in the state treasury. The board is authorized and shall by annual budget determine the manner of handling the funds and the purpose, consistent with this Act, for which the same may be used. The budgeted expenses authorized by the board shall be paid out of funds received by the board and are not a charge upon the general revenue of the state.

(t) The board shall on request of a licensee issue certification on endorsement of its license to other states and charge a reasonable fee for the issuance. The board shall on request of a licensee issue certification of state board examination grades to the Federation of State Medical Boards of the United States and charge a reasonable fee for the issuance.

(bb) The executive director of the board shall file a surety bond with the board. The bond shall be in an amount not less than \$10,000, be in compliance with the insurance laws of the state, and be payable to the state for the use of the state if the executive director does not faithfully discharge the duties of the office. The board shall pay the premium on the bond.

SECTION 2. Sections 3.01, 3.02, 3.03, 3.04, and 3.05, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 3.01. ANNUAL REGISTRATION OF PHYSICIANS [PRACTITIONERS AND INTERNS]. (a) All persons now lawfully qualified to practice medicine in this state, or who are hereafter licensed for the practice of medicine by the board, shall register annually as practitioners with the board. The initial annual registration permit shall be issued with the license.

(b) The annual registration permit fee as established by board rule shall apply to all physicians licensed by the board, whether or not they are practicing within the borders of this state, except retired physicians as provided by rules of the board.

(c) A physician licensed by the board whose only practice is voluntary charity care is exempt from the annual registration permit fee as provided by rules of the board.

(d) The board shall mail an annual registration permit renewal application to each practitioner at the practitioner's last known address according to the records of the board at least 30 days prior to the expiration date of the annual registration permit.

(e) The board shall provide for a 30-day grace period for renewing the annual registration permit from the date of the expiration of the annual registration permit.

(f) A licensee may renew the annual registration permit by submitting to the board, on or before the expiration date of the annual registration permit, the required renewal application and renewal fee. Each annual registration permit renewal application shall include the name and mailing address of the licensee, the place or places where the licensee is engaged in the practice of medicine, and other necessary information prescribed by the board.

(g) If the licensee is licensed for the practice of medicine by another state, the District of Columbia, a territory of the United States, Canada, any other country, or the uniformed services of the United States, the renewal application must include a description of any investigations the licensee knows are in progress and of any sanctions imposed by or disciplinary matters pending in the state, district, territory, country, or service.

(h) On receipt of a renewal application and all required fees, the board, after ascertaining, either from the records of the board or from other sources considered by it to be reliable, that the applicant is a licensed practitioner of medicine in this state, shall issue to the licensee an annual registration permit certifying that the licensee has filed the renewal application, has paid the annual registration permit fee for the year in question, and has completed the requirements for annual registration.

(i) If a licensee's annual registration permit has been expired for 90 days or less, the licensee may renew the licensee's annual registration permit by submitting to the board the required renewal application, renewal fee, and a \$50 penalty fee.

(j) If a licensee's annual registration permit has been expired for longer than 90 days but less than one year, the licensee may renew the annual registration permit by submitting to the board the required renewal application, renewal fee, and a \$100 penalty fee.

(k) If a licensee's annual registration permit has been expired for one year or longer, the license is considered to have been canceled, unless an investigation is pending, and the licensee may not renew the annual registration permit.

(l) Each physician whose license is considered canceled may obtain a new license by submitting to reexamination and complying with the requirements, fees, and procedures for obtaining a license. The board may issue a new license without examination to a person whose license is considered canceled for less than two years.

(m) The board by rule may adopt a system under which annual registration permits expire on various dates during the year. For the year in which the expiration date is changed, annual registration permit fees shall be prorated. On renewal of the annual registration on the new expiration date, the total annual registration permit fee is payable.

(n) The filing of the renewal application, the payment of the required fees, and the issuance of the permit shall not entitle the holder to practice medicine in Texas unless the holder has been previously licensed as a practitioner by the board, as prescribed by law, and the license to practice medicine is in full force and effect. In any prosecution for the unlawful practice of medicine, the annual registration permit required by this Act may not be treated as evidence that the holder is lawfully entitled to practice medicine.

(o) Practicing medicine as defined in this Act without an annual registration permit for the current year as provided in this Act has the same force and effect as and is subject to all penalties of practicing medicine without a license [be registered as practitioners with the board on or before the first day of January and thereafter shall register in like manner annually, on or before the first day of January of each succeeding year. Each person so registered with the board shall pay, in connection with each annual registration and for the receipt hereinafter provided for, a fee established by the board which fee shall accompany the application of each person for registration. The payment shall be made to the board. Every person so registered shall file with the board a written application for annual registration, setting forth his name and mailing address, the place or places where the applicant is engaged in the practice of medicine, and other necessary information prescribed by the board. If the person is licensed for the practice of medicine by another state, the District of Columbia, a territory of the United States, Canada, any other country, or the uniformed services of the United States, the application must include a description of any investigations the person knows are in progress and of any sanctions imposed by or disciplinary matters pending in the state, district, territory, country, or service.

[(b) Physicians not otherwise licensed by the board who are participating in graduate medical education training programs approved by the board may be issued institutional permits as provided by rules of the board. A reasonable fee shall be charged and deposited into the medical registration fund. This permit does not authorize the performance of medical acts except as the acts are performed as a part of graduate medical education programs and under the supervision of a licensed practitioner of medicine.

[(c)(1) A person may renew an unexpired license by paying to the board on or before the expiration date of the license the required renewal fee.

[(2) If a person's license has been expired for 90 days or less, the person may renew the license by paying to the board the required renewal fee and a fee that is one-half of the annual registration fee as established by the board under Section 3.10(b)(7) of this Act.

~~[(3) If a person's license has been expired for longer than 90 days but less than one year, the person may renew the license by paying to the board all unpaid renewal fees and a fee that is equal to the annual registration fee as established by the board under Section 3.10(b)(7) of this Act.~~

~~[(4) If a person's license has been expired for one year, it is considered to have been canceled, unless an investigation is pending, and the person may not renew the license. The person may obtain a new license by submitting to reexamination and complying with the requirements and procedures for obtaining an original license.~~

~~[(5) The board may renew without examination an expired license of a person who was licensed in this state, moved to another state, and is currently licensed and has been in practice in the other state for not more than two years preceding application. The person must pay to the board a fee that is equal to the examination fee for the license.~~

~~[(6) The board shall provide written notice to each practitioner at the practitioner's last known address according to the records of the board at least 30 days prior to the expiration date of a license and shall provide for a 30-day grace period for payment of the annual registration fee from the date of the expiration of the license.~~

~~[(d) Practicing medicine as defined in this Act without an annual registration receipt for the current year as provided in this Act has the same force and effect as and is subject to all penalties of practicing medicine without a license.~~

~~[(e) On receipt of an application, accompanied by the proper registration fee, the board, after ascertaining, either from the records of the board or from other sources considered by it to be reliable, that the applicant is a licensed practitioner of medicine in this state, shall issue to the applicant an annual registration receipt certifying that the applicant has filed the application and has paid the registration fee for the year in question. The filing of the application, the payment of the registration fee, and the issuance of the receipt shall not entitle the holder to practice medicine in Texas unless he has in fact been previously licensed as a practitioner by the board, as prescribed by law, and unless the license to practice medicine is in full force and effect. In any prosecution for the unlawful practice of medicine the receipt showing payment of the annual registration fee required by this Act may not be treated as evidence that the holder is lawfully entitled to practice medicine.~~

~~[(f) The executive director of the board shall file a surety bond with the board. The bond shall be in an amount not less than \$10,000, be in compliance with the insurance laws of the state, and be payable to the state for the use of the state if the executive director does not faithfully discharge the duties of the office. The board shall pay the premium on the bond.~~

~~[(g) The annual registration fee shall apply to all persons licensed by the board, whether or not they are practicing within the borders of this state, except retired physicians as provided by rules of the board. A retired physician licensed by the board whose only practice is voluntary charity care is exempt from the annual registration fee.~~

~~[(h) The executive director shall review each application for licensure by examination or reciprocity and shall recommend to the board all applicants eligible for licensure. The executive director also shall report to the board the names of all applicants determined to be ineligible for licensure, together with the reasons for each recommendation. An applicant deemed ineligible for licensure by the executive director may request review of such recommendation by a committee of the board~~

within 20 days of receipt of such notice, and the executive director may refer any application to said committee for a recommendation concerning eligibility. If the committee finds the applicant ineligible for licensure, such recommendation, together with the reasons therefor, shall be submitted to the board unless the applicant requests a hearing within 20 days of receipt of notice of the committee's determination. The hearing shall be before an administrative law judge of the State Office of Administrative Hearings and shall comply with the Administrative Procedure Act and its subsequent amendments and the rules of the State Office of Administrative Hearings and the board. The committee may refer any application for determination of eligibility to the full board. The board shall, after receiving the administrative law judge's proposed findings of fact and conclusions of law, determine the eligibility of the applicant for licensure. A physician whose application for licensure is denied by the board shall receive a written statement containing the reasons for the board's action. All reports received or gathered by the board on each applicant are confidential and are not subject to disclosure under the Open Records Law. The board may disclose such reports to appropriate licensing authorities in other states].

Sec. 3.02. PHYSICIAN IN TRAINING PERMITS [RENEWALS]. Physicians not otherwise licensed by the board who are participating in graduate medical education training programs approved by the board may be issued physician-in-training permits as provided by rules of the board. This permit does not authorize the performance of medical acts except as the acts are performed as part of graduate medical education training programs and under the supervision of a licensed practitioner of medicine. The board has jurisdiction to discipline a physician whose physician-in-training permit has expired if the violation of the law occurred during the time that the permit was valid. If an investigation is open when the permit expires, the permit shall be executory and the board may retain jurisdiction. [(a) On application on forms provided by the board for this purpose and receipt of renewal fees, licenses shall be renewed annually by the board.

(b) The board by rule may adopt a system under which registrations expire on various dates during the year. The date for license cancellation due to nonpayment shall be adjusted accordingly. For the year in which the expiration date is changed, registration fees payable on or before January 1 shall be prorated on a monthly basis so that each registrant shall pay only that portion of the registration fee which is allocable to the number of months during which the registration is valid. On renewal of the registration on the new expiration date, the total registration fee is payable.]

Sec. 3.03. LICENSURE OF PHYSICIANS [RECIPROCAL AGREEMENTS].

(a) The board, at its sole discretion [and upon payment by an applicant of a fee prescribed by the board under this Act], may grant a license to practice medicine to any physician who qualifies under this Act.

(b) An application for a license must be in writing and on forms prescribed by the board. The board may allow or require applicants, by board rule, to use the Federation Credentials Verification Service offered by the Federation of State Medical Boards of the United States.

(c) The application forms must be accompanied by all fees, documents, and photographs required by board rule.

(d) Applicants for a license must subscribe to an oath in writing before an officer authorized by law to administer oaths. The written oath is part of the application.

(e) An applicant is not eligible for a license if:

(1) the applicant holds a medical license that is currently restricted for cause, canceled for cause, suspended for cause, or revoked by a state of the United States, a province of Canada, or a uniformed service of the United States;

(2) an investigation or a proceeding is instituted against the applicant for the restriction, cancellation, suspension, or revocation in a state of the United States, a province of Canada, or a uniformed service of the United States; or

(3) a prosecution is pending against the applicant in any state, federal, or Canadian court for any offense that under the laws of this state is a felony or a misdemeanor that involves moral turpitude.

(f) An applicant must present satisfactory proof to the board that each medical school attended is substantially equivalent to a Texas medical school as determined by board rule.

(g) An applicant who is a graduate of a medical school that is located outside the United States and Canada must present satisfactory proof to the board that the applicant:

(1) is a graduate of a school whose curriculum meets the requirements for an unapproved medical school as determined by a committee of experts selected by the Texas Higher Education Coordinating Board;

(2) has successfully completed three years of graduate medical training in the United States or Canada that was approved by the board;

(3) is eligible for licensure to practice medicine in the country in which the school is located except for any citizenship requirements;

(4) possesses a valid certificate issued by the Educational Commission for Foreign Medical Graduates; and

(5) has the ability to communicate in the English language.

(h) All medical or osteopathic medical education received by the applicant in the United States must be accredited by an accrediting body officially recognized by the United States Department of Education as the accrediting body for medical education leading to the doctor of medicine degree or the doctor of osteopathy degree in the United States. This subsection does not apply to postgraduate medical education or training.

(i) An applicant who is unable to comply with the requirements of Subsection (h) of this section may be eligible for an unrestricted license if the applicant:

(1) received medical education in a hospital or teaching institution sponsoring or participating in a program of graduate medical education accredited by the Accreditation Council for Graduate Medical Education, the American Osteopathic Association, or the board in the same subject as the medical or osteopathic medical education as defined by board rule; or

(2) is specialty board certified by a board approved by the American Osteopathic Association or the American Board of Medical Specialties.

(j)(1) The executive director shall review each application for licensure and shall recommend to the board all applicants eligible for licensure. The executive director also shall report to the board the names of all applicants determined to be ineligible for licensure, together with the reasons for each recommendation.

(2) An applicant deemed ineligible for licensure by the executive director may request review of such recommendation by a committee of the board within 20 days of receipt of such notice, and the executive director may refer any application to the committee for a recommendation concerning eligibility. The committee may refer any application for determination of eligibility to the full board.

(3) If the committee finds the applicant ineligible for licensure, such recommendation, together with the reasons for the recommendation, shall be submitted to the board unless the applicant requests a hearing within 20 days of receipt of notice of the committee's determination.

(4) If the applicant requests a hearing, the hearing shall be before an administrative law judge of the State Office of Administrative Hearings and shall comply with Chapter 2001, Government Code, and the rules of the State Office of Administrative Hearings and the board.

(5) The board shall, after receiving the administrative law judge's proposed findings of fact and conclusions of law, determine the eligibility of the applicant for licensure. A physician whose application for licensure is denied by the board shall receive a written statement containing the reasons for the board's action.

(k) Examination questions that may be used in the future, examinations other than the one taken by the person requesting it, and deliberations and records relating to the professional character and fitness of applicants are exempted from the open meetings law, Chapter 551, Government Code, and the public information law, Chapter 552, Government Code.

(l) All reports received or gathered by the board on each applicant are confidential and are not subject to disclosure under the public information law, Chapter 552, Government Code. The board may disclose such reports to appropriate licensing authorities in other states. The board shall report all licensure actions to appropriate licensing authorities in other states and to the Federation of State Medical Boards of the United States.

(m) In addition to the requirements prescribed by this Act, the board may require applicants to comply with other requirements that the board considers appropriate. [is a graduate of an acceptable medical college as determined by the board and who is a licensee of another state or Canadian province having requirements for physician registration and practice substantially equivalent to those established by the laws of this state:

[(b) An application for a license under this section must be in writing and upon a form prescribed by the board. The application must be accompanied by:

[(1) a diploma or photograph of a diploma awarded to the applicant by an acceptable medical college and a certified transcript showing courses and grades;

[(2) a license or a certified copy of a license to practice medicine lawfully issued to the applicant by some other state or a Canadian province that requires in its examination the same general degree of fitness required by this state and that grants the same reciprocal privileges to persons licensed by the board;

[(3) a certification made by the president or secretary of the board that issued the license or a duly constituted registration office of the state or Canadian province that issued the certificate or license, reciting that the accompanying certificate or license has not been canceled, suspended, or revoked and reciting that the statement of the qualifications made in the application for medical license in Texas is true and correct; and

[(4) evidence of a passing grade on an examination required by the board.

[(c) Applicants for a license under this section must subscribe to an oath in writing before an officer authorized by law to administer oaths. The written oath must be a part of the application. The application must:

~~[(1) state that:~~

~~[(A) the license, certificate, or authority under which the applicant has most recently practiced medicine in the state or Canadian province from which the applicant is transferring to this state or in the uniformed service in which the applicant served is in full force and not restricted, canceled, suspended, or revoked;~~

~~[(B) the applicant is the identical person to whom the certificate or license and the diploma were issued;~~

~~[(C) no proceeding has been instituted against the applicant for the restriction, cancellation, suspension, or revocation of the certificate, license, or authority to practice medicine in the state, Canadian province, or uniformed service of the United States in which it was issued; and~~

~~[(D) no prosecution is pending against the applicant in any state, federal, or Canadian court for any offense that under the laws of this state is a felony;~~

~~[(2) include a description of any sanctions imposed by or disciplinary matters pending in the state or Canadian province in which the applicant was or is licensed or certified to practice medicine; and~~

~~[(3) include evidence of postgraduate training required by the board.~~

~~[(d) An applicant for a license under this section must be eligible for examination by the board.~~

~~[(e) In addition to other licensure requirements, the board may require by rule and regulation that an applicant who is a licensee of another state or Canadian province and who is a graduate of a medical school located outside of the United States and Canada, or the school itself, provide additional information to the board concerning the medical school attended prior to approval of the applicant.~~

~~[(f) The board may refuse to issue a license to an applicant who is a licensee of another state or Canadian province and who graduated from a medical school outside of the United States and Canada if it finds that the applicant does not possess the requisite qualifications to provide the same standard of medical care as provided by a licensed physician in this state.~~

~~[(g) In addition to the requirements prescribed by this section, the board may require applicants to comply with other requirements that the board considers appropriate.~~

~~[(h) The board may not refuse to issue a license to an applicant under Subsection (f) of this section if the applicant:~~

~~[(1) for the preceding five years has been a licensee of another state or a Canadian province;~~

~~[(2) is not the subject of a sanction imposed by or disciplinary matter pending in any state or Canadian province in which the applicant is licensed to practice medicine; and~~

~~[(3) is either specialty board certified by a board that is a member of the American Board of Medical Specialties or a specialty board approved by the American Osteopathic Association or successfully passes an examination that the board shall determine by rule.]~~

Sec. 3.04. QUALIFICATIONS OF LICENSEES [~~QUALIFICATION OF LICENSEE~~]. [(a)] An applicant, to be eligible for [~~the examination and~~] issuance of a license, must present satisfactory proof to the board that the applicant:

(1) is at least 21 years of age;
(2) is of good professional character and has not violated Section 3.08 of this Act;

(3) has completed:
(A) 60 semester hours of college courses other than in medical school that are~~[, which courses would be]~~ acceptable~~[, at the time of completion,]~~ to the University of Texas at Austin for credit on a bachelor of arts degree or a bachelor of science degree;

(B) the entire primary, secondary, and premedical education required in the country of medical school graduation, if the medical school is located outside the United States or Canada; or

(C) substantially equivalent courses as determined by board rule; and]
(4) is a graduate of a [an acceptable] medical [or osteopathic] school located inside the United States or Canada and [or college that was] approved by the board who [at the time the degree was conferred and] has successfully completed one year [a one year program] of graduate medical training approved by the board in the United States or Canada or is a graduate of a medical school located outside the United States or Canada who has successfully completed three years of graduate medical training approved by the board in the United States or Canada;

(5) has successfully passed within three attempts an examination accepted or administered by the board, except as provided by Sections 3.05(k) and (l) of this Act; and

(6) has successfully passed a Texas medical jurisprudence examination as determined by board rule.

~~[(b) The applicant shall be eligible for examination prior to complying with the graduate training requirement of Subsection (a)(4) of this section but shall not be eligible for the issuance of an unrestricted license until the requirements of Subsection (a) of this section have been satisfied.~~

~~[(c) Applications for examination must be made in writing, verified by affidavit, filed with the board on forms prescribed by the board, and accompanied by documents and a fee as the board determines to be reasonable.~~

~~[(d) To be recognized by the board for the purposes of this subchapter, all medical or osteopathic medical education received by the applicant in the United States must be accredited by an accrediting body officially recognized by the United States Department of Education as the accrediting body for medical education leading to the doctor of medicine degree or the doctor of osteopathy degree in the United States. This subsection does not apply to postgraduate medical education or training.~~

~~[(f) An applicant who is unable to comply with the requirements of Subsection (d) of this section is eligible for an unrestricted license if the applicant:~~

~~[(1) received such medical education in a hospital or teaching institution sponsoring or participating in a program of graduate medical education accredited by the Accrediting Council for Graduate Medical Education, the American Osteopathic Association, or the Texas State Board of Medical Examiners in the same subject as the medical or osteopathic medical education if the hospital or teaching institution has an agreement with the applicant's school; or~~

~~[(2) is specialty board certified by a board approved by the American Osteopathic Association or the American Board of Medical Specialties.~~

~~[(g) In addition to the other requirements of this section, an applicant who is a graduate of a medical school that is located outside the United States and Canada and~~

that was not approved by the board at the time the degree was conferred must, in order to be eligible for the issuance of a license, present satisfactory proof to the board that the applicant:

[(1) is a graduate of a school whose curriculum meets the requirements for an unapproved medical school as determined by a committee of experts selected by the Texas Higher Education Coordinating Board;

[(2) has successfully completed three years of graduate medical training in the United States or Canada that was approved by the board on the date the training was completed;

[(3) is eligible for licensure to practice medicine in the country in which the school is located;

[(4) possesses a valid certificate issued by the Educational Commission for Foreign Medical Graduates;

[(5) has the ability to communicate in the English language; and

[(6) has passed the examination required by the board of all applicants for license as required by Section 3.05 of this Act.

[(h) The board by rule may establish alternate educational prerequisites to those required by Subsection (a)(3) of this section for an applicant who graduated from an unapproved medical school located outside the United States and Canada.

[(i) In addition to other licensure requirements, the board, before approving the applicant, may require by rule that a graduate of an unapproved medical school located outside the United States and Canada or the school of which the person is a graduate provide additional information to the board concerning the school.

[(j) The board may refuse to issue a license to an applicant who graduated from an unapproved medical school located outside the United States and Canada if it finds that:

[(1) the applicant does not possess the requisite qualifications to provide the same standard of medical care as provided by a physician licensed in this state; or

[(2) the applicant failed to provide the board evidence to establish that the applicant completed medical education or professional training substantially equivalent to that provided by a medical school in this state.]

Sec. 3.05. EXAMINATIONS ACCEPTED OR ADMINISTERED [EXAMINATION]. (a) The board may administer or accept the following examinations for licensure as determined by rule:

(1) a state board licensing examination;

(2) the Medical Council of Canada Examination (LMCC) or its successor;

(3) the National Board of Osteopathic Medical Examiners (NBOME) examination or its successor;

(4) the National Board of Medical Examiners (NBME) examination or its successor;

(5) the Federation Licensing Examination (FLEX) with a weighted average in one sitting before June, 1985;

(6) the Federation Licensing Examination (FLEX) after May, 1985;

(7) the United States Medical Licensing Examination (USMLE) or its successor; or

(8) a combination of the National Board of Osteopathic Medical Examiners examination and the Federation Licensing Examination after May, 1985, or of the United States Medical Licensing Examination, the Federation Licensing Examination

after May, 1985, and the National Board of Medical Examiners examination, as determined by board rule.

(b) All examinations used by the board for licensure [~~license~~] to practice medicine shall be [~~conducted~~] in writing in the English language and shall [~~in a manner as to~~] be entirely fair and impartial to all individuals and to every school or system of medicine. Applicants who wish to request reasonable accommodations due to a disability shall submit the request on filing the application.

(c) Examinations shall include [~~be conducted on and cover those~~] subjects generally taught by medical schools, a knowledge of which is commonly and generally required of candidates for the degree of doctor of medicine or doctor of osteopathy conferred by schools in Texas.

(d) The board shall administer the Texas medical jurisprudence examination to all applicants.

(e) The minimum passing grade for all examinations used by the board shall be determined by rule.

(f) Examinations administered to evaluate basic medical knowledge and clinical competency shall be prepared by a national testing service or the board and validated by qualified independent testing professionals.

(g) All questions, answers, and grades shall be preserved for one year as the board may direct by rule.

(h) All applicants shall be given due notice of the date and place of the examination if administered by the board.

(i) Within 120 days after the day on which an examination is administered by the board, each examinee shall be notified of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the board shall notify each examinee of the results of the examination not later than 30 days after the date the board receives the results from the testing service.

(j) Except as provided by Subsection (m) of this section, all parts of the Medical Council of Canada Examination, the National Board of Osteopathic Medical Examiners examination, the National Board of Medical Examiners examination, the Federation Licensing Examination after May, 1985, and the United States Medical Licensing Examination must be passed within seven years.

(k) An applicant must pass each part of an examination within three attempts, except that an applicant who has passed all but one part of an examination within three attempts may take the remaining part of the examination one additional time.

(l) Notwithstanding Subsection (k) of this section, an applicant is considered to have satisfied the requirements of this section if the applicant:

(1) passed all but one part of an examination approved by the board within three attempts and passed the remaining part of the examination within five attempts;

(2) is specialty board certified by a specialty board that:

(A) is a member of the American Board of Medical Specialties; or

(B) is approved by the American Osteopathic Association; and

(3) completed in this state an additional two years of postgraduate medical training approved by the board.

(m) An applicant who is a graduate of a program designed to lead to both a doctor of philosophy degree and a doctor of medicine degree or doctor of osteopathy degree must pass each part of an examination described by Subsection (a)(2), (3), (4), (6), or (7) of this section not later than the second anniversary of the date the applicant was

~~awarded a doctor of medicine degree or doctor of osteopathy degree. [or colleges of medicine approved by the board, and the examinations shall also be conducted on and cover the subject of medical jurisprudence. Examinations shall be prepared by a national testing service or prepared by the board and validated by qualified independent testing professionals. On satisfactory examination conducted as required by this Act under rules of the board, applicants may be granted licenses to practice medicine. All questions and answers, with the grades attached, shall be preserved for one year in the executive office of the board or such other repository as the board by rule may direct. All applicants examined at the same time shall be given identical questions. All certificates shall be attested by the seal of the board. The board in its discretion may give the examination for license in two or more parts.~~

~~[(b) In addition to the requirements prescribed by this Act, the board may require applicants to comply with other requirements that the board considers appropriate and establish reasonable fees for examination.~~

~~[(c) All applicants for license to practice medicine in this state not otherwise licensed under the provisions of law must successfully pass a uniform examination approved by the board as determined by rule. The board is authorized to adopt and enforce all rules of procedure not inconsistent with statutory requirements. All applicants shall be given due notice of the date and place of the examination. If any applicant, because of failure to pass the required examination, is refused a license, the applicant, at a time as the board may fix, shall be permitted to take a subsequent examination not more than two additional times as the board may prescribe on the payment of a fee as the board may determine to be reasonable. In the event satisfactory grades shall be made on the subjects prescribed and taken on the reexamination, the board may grant the applicant a license to practice medicine. The board shall determine the credit to be given examinees on answers turned in on the subjects of complete and partial examination, and its decision is final.~~

~~[(d) Examination questions that may be used in the future, examinations other than the one taken by the person requesting it, and deliberations and records relating to the professional character and fitness of applicants are exempted from the Open Meetings Law and the Open Records Law. The records, however, shall be disclosed to individual applicants upon written request, unless the person supplying the information to the board requests that it not be disclosed.~~

~~[(e) Within 90 days after the day on which an examination is administered under this Act, the board shall notify each examinee of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the board shall notify each examinee of the results of the examination not later than the 30th day after the date the board receives the results from the testing service. If the notice of the examination results will be delayed for longer than 90 days after the examination, the board shall notify the examinee of the reason for the delay before the 90th day.~~

~~[(f) If requested in writing by a person who fails the examination administered under this Act, the board shall furnish the person with a summarized analysis of the person's performance on the examination consisting of the person's score on each portion of the examination.]~~

SECTION 3. Section 3.10, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), as amended by Chapters 214 and 862, Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 3.10. FEES. (a) All receipts collected by the board shall be placed in the state treasury and may be spent only as provided by the General Appropriations Act, this Act, or other applicable law for the enforcement of this Act, the prohibition of the unlawful practice of medicine, the dissemination of information to prevent the violation of the laws, and the prosecution of those who violate the laws. All distributions may be made only on written approval of the executive director of the board or his designated representative.

(b) The board may not set, charge, collect, receive, or deposit any of the following fees in excess of:

- (1) License \$900
- (2) First annual registration permit \$200
- (3) Temporary license \$200
- (4) Renewal of annual registration permit \$200
- (5) Physician-in-training permit \$200
- (6) Endorsement to other state medical boards \$200
- (7) Duplicate license \$200
- (8) Reinstated license after cancellation for cause \$700.

(c) The board may set and collect a sales charge for making copies of records in the office of the board and for any material published by the board.

(d) The financial transactions of the board are subject to audit by the state auditor in accordance with Chapter 321, Government Code.

(e) The board shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the board during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act. [All annual registration fees collected by the board shall be placed in the State Treasury to the credit of the medical registration fund. The fees deposited to this special fund shall be credited to the appropriations of the board and may be spent only as provided by the General Appropriations Act, this Act, or other applicable statutes. Money in that fund may be used by the board and under its direction in the enforcement of this Act, the prohibition of the unlawful practice of medicine, the dissemination of information to prevent the violation of the laws, and the prosecution of those who violate the laws. All distributions from the fund may be made only upon written approval of the secretary-treasurer of the board or his designated representative, and the comptroller shall upon requisition of the board from time to time draw warrants upon the fund for the amounts specified in the requisition.

~~[(b) The board may not set, charge, collect, receive, or deposit any of the following fees in excess of:~~

- ~~{(1) for processing and granting a license by reciprocity to a licensee of another state \$700~~
- ~~{(2) for processing an application and administration of a partial examination for licensure \$700~~
- ~~{(3) for processing an application and administration of a complete examination for licensure \$700~~
- ~~{(4) for processing an application and issuance of a temporary license \$200~~
- ~~{(5) for processing an application and issuance of a duplicate license \$200~~
- ~~{(6) for processing an application and issuance of a license of reinstatement after a lapse or cancellation of a license \$700~~

- ~~[(7) for processing an application and issuance of an annual registration of a licensee \$200~~
- ~~[(8) for processing and issuance of an institutional permit for interns, residents, and others in approved medical training programs \$200~~
- ~~[(9) for processing an application and issuance of an endorsement to other state medical boards \$200~~
- ~~[(10) for processing and issuance of a license or temporary license to a physician assistant \$200~~
- ~~[(11) for processing and issuance of a permit to a physician who supervises an acupuncturist \$200.~~

~~[(b) The board may set and collect a sales charge for making copies of any paper of record in the office of the board and for any printed material published by the board. The charges shall be in amounts considered sufficient to reimburse the board for the actual expense.~~

~~[(c) The financial transactions of the board are subject to audit by the state auditor in accordance with Chapter 321, Government Code.~~

~~[(d) The board shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the board during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.]~~

SECTION 4. Section 3.11A, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3.11A. SURCHARGE; DISPOSITION [OF FEES]. (a) An additional \$200 surcharge shall apply to each of the following:

- (1) license;
- (2) first annual registration permit;
- (3) renewal of annual registration permit; and
- (4) reinstated license after cancellation for cause.

~~[This section applies to each of the following fees:~~

- ~~[(1) fee for processing and granting a license by reciprocity to a licensee of another state;~~
- ~~[(2) fee for processing an application and administration of a partial examination for licensure;~~
- ~~[(3) fee for processing an application and administration of a complete examination for licensure;~~
- ~~[(4) fee for processing an application and issuance of a license of reinstatement after a lapse or cancellation of a license; and~~
- ~~[(5) fee for processing an application and issuance of an annual registration of a licensee.]~~

(b) Of each surcharge [fee] collected, \$50 shall be deposited to the credit of the foundation school fund and \$150 shall be deposited to the credit of the general revenue fund. This subsection applies to the disposition of the stated portion of each fee regardless of any other provision of law providing for a different disposition of funds.

SECTION 5. Section 2.10, as added by Section 1.04, Chapter 36, Acts of the 73rd Legislature, Regular Session, 1993, and Sections 3.0305 and 3.031, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), are repealed.

SECTION 6. 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 Conference Committee Report was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 676**

Senator Bivins submitted the following Conference Committee Report:

Austin, Texas
May 26, 1999

Honorable Rick Perry
President of the Senate

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

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 676** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

BIVINS	ISETT
BERNSEN	ALEXANDER
CAIN	EDWARDS
OGDEN	HAWLEY
SHAPIRO	NORIEGA
On the part of the Senate	On the part of the House

The Conference Committee Report was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
SENATE JOINT RESOLUTION 12**

Senator Carona submitted the following Conference Committee Report:

Austin, Texas
May 26, 1999

Honorable Rick Perry
President of the Senate

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

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SJR 12** have had the same under

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

CARONA
CAIN
SHAPIRO
MADLA
BROWN

On the part of the Senate

HOCHBERG
GREENBERG
WOLENS
PITTS
AVERITT

On the part of the House

A JOINT RESOLUTION

proposing a constitutional amendment relating to the making of advances under and payment of a reverse mortgage.

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

SECTION 1. Sections 50(k), (p), and (r), Article XVI, Texas Constitution, are amended to read as follows:

(k) "Reverse mortgage" means an extension of credit:

(1) that is secured by a voluntary lien on homestead property created by a written agreement with the consent of each owner and each owner's spouse;

(2) that is made to a person who is or whose spouse is 62 [55] years or older;

(3) that is made without recourse for personal liability against each owner and the spouse of each owner;

(4) under which advances are provided to a borrower based on the equity in a borrower's homestead;

(5) that does not permit the lender to reduce the amount or number of advances because of an adjustment in the interest rate if periodic advances are to be made;

(6) that requires no payment of principal or interest until:

(A) all borrowers have died;

(B) the homestead property securing the loan is sold or otherwise transferred; [or]

(C) all borrowers cease occupying the homestead property for a period of longer than 12 consecutive months without prior written approval from the lender; or

(D) the borrower:

(i) defaults on an obligation specified in the loan documents to repair and maintain, pay taxes and assessments on, or insure the homestead property;

(ii) commits actual fraud in connection with the loan; or

(iii) fails to maintain the priority of the lender's lien on the homestead property, after the lender gives notice to the borrower, by promptly discharging any lien that has priority or may obtain priority over the lender's lien within 10 days after the date the borrower receives the notice, unless the borrower:

(a) agrees in writing to the payment of the obligation secured by the lien in a manner acceptable to the lender;

(b) contests in good faith the lien by, or defends against enforcement of the lien in, legal proceedings so as to prevent the enforcement of the lien or forfeiture of any part of the homestead property; or

(c) secures from the holder of the lien an agreement satisfactory to the lender subordinating the lien to all amounts secured by the lender's lien on the homestead property

~~[(B) all borrowers cease occupying the homestead property as a principal residence for more than 180 consecutive days and the location of the homestead property owner is unknown to the lender];~~

(7) that provides that if the lender fails to make loan advances as required in the loan documents and if the lender fails to cure the default as required in the loan documents after notice from the borrower, the lender forfeits all principal and interest of the reverse mortgage, provided, however, that this subdivision does not apply when a governmental agency or instrumentality takes an assignment of the loan in order to cure the default; [and]

(8) that is not made unless the owner of the homestead attests in writing that the owner received counseling regarding the advisability and availability of reverse mortgages and other financial alternatives;

(9) that requires the lender, at the time the loan is made, to disclose to the borrower by written notice the specific provisions contained in Subdivision (6) of this subsection under which the borrower is required to repay the loan;

(10) that does not permit the lender to commence foreclosure until the lender gives notice to the borrower, in the manner provided for a notice by mail related to the foreclosure of liens under Subsection (a)(6) of this section, that a ground for foreclosure exists and gives the borrower at least 30 days, or at least 20 days in the event of a default under Subdivision (6)(D)(iii) of this subsection, to:

(A) remedy the condition creating the ground for foreclosure;

(B) pay the debt secured by the homestead property from proceeds of the sale of the homestead property by the borrower or from any other sources; or

(C) convey the homestead property to the lender by a deed in lieu of foreclosure; and

(11) that is secured by a lien that may be foreclosed upon only by a court order, if the foreclosure is for a ground other than a ground stated by Subdivision (6)(A) or (B) of this subsection.

(p) The advances made on a reverse mortgage loan under which more than one advance is made must be made [at regular intervals] according to the terms [a plan] established by the [original] loan documents by one or more of the following methods:

(1) at regular intervals;

(2) at regular intervals in which the amounts advanced may be reduced, for one or more advances, at the request of the borrower; or

(3) at any time by the lender, on behalf of the borrower, if the borrower fails to timely pay any of the following that the borrower is obligated to pay under the loan documents to the extent necessary to protect the lender's interest in or the value of the homestead property:

(A) taxes;

(B) insurance;

(C) costs of repairs or maintenance performed by a person or company that is not an employee of the lender or a person or company that directly or indirectly controls, is controlled by, or is under common control with the lender;

(D) assessments levied against the homestead property; and

(E) any lien that has, or may obtain, priority over the lender's lien as it is established in the loan documents [agreement].

(r) The supreme court shall promulgate rules of civil procedure for expedited foreclosure proceedings related to the foreclosure of liens under Subsection (a)(6) of this section and to foreclosure of a reverse mortgage lien that requires a court order.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1999. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment

relating to the making of advances under a reverse mortgage and payment of a reverse mortgage."

The Conference Committee Report was filed with the Secretary of the Senate.

**CONFERENCE COMMITTEE REPORT ON
HOUSE BILL 2960**

Senator Armbrister submitted the following Conference Committee Report:

Austin, Texas
May 25, 1999

Honorable Rick Perry
President of the Senate

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

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 2960** have had the same under consideration, and beg to report it back with the recommendation that it do pass.

ARMBRISTER

R. LEWIS

BROWN

DRIVER

DUNCAN

WOOLLEY

BIVINS

On the part of the Senate

On the part of the House

The Conference Committee Report was filed with the Secretary of the Senate.

MEMORIAL RESOLUTIONS

SCR 87 - by Whitmire, Barrientos: In memory of Kevin Phillip Roberts of Austin.

SR 1087 - by Shapiro: In memory of Zachary B. Bell of Dallas.

SR 1115 - by Shapleigh: In memory of the life of James M. Shelton of El Paso.

SR 1122 - by Shapleigh: In memory of Robert Hilary Hoy, Sr., of El Paso.

SR 1124 - by Shapleigh: In memory of Robert Shoemaker Crowell of El Paso.

SR 1144 - by Carona: In memory of Dr. Larry Henry Patton of Dallas.

CONGRATULATORY RESOLUTIONS

SR 1110 - by Fraser: Congratulating Richard Alfred Jordoin III of Copperas Cove.

SR 1111 - by Fraser: Congratulating Susanne and Louis J. Sray of Harker Heights.

SR 1112 - by Fraser: Congratulating Timothy Schultz of Killeen.

SR 1113 - by Ogden: Congratulating the members of the Independent Cattlemen's Association of Texas.

- SR 1114** - by Shapleigh: Congratulating Joe Lopez of El Paso.
- SR 1116** - by Shapleigh: Congratulating Gerald Rubin of El Paso.
- SR 1117** - by Shapleigh: Congratulating Edward Davis, Jr., of El Paso.
- SR 1118** - by Shapleigh: Congratulating Jim Phillips of El Paso.
- SR 1119** - by Shapleigh: Congratulating Dee Margo of El Paso.
- SR 1120** - by Shapleigh: Congratulating William J. Woodward of El Paso.
- SR 1121** - by Shapleigh: Congratulating Oscar Martinez of El Paso.
- SR 1123** - by Shapleigh: Congratulating Dr. Elaine Barron.
- SR 1125** - by Shapleigh: Congratulating Mark and Elana Levine of El Paso.
- SR 1126** - by Shapleigh: Congratulating Nolan Richardson of El Paso.
- SR 1127** - by Shapleigh: Congratulating Adair Margo of El Paso.
- SR 1128** - by Cain: Congratulating Jack and Wanda Caywood of Greenville.
- SR 1129** - by Cain: Congratulating Ryan Arnold of Waxahachie.
- SR 1130** - by Cain: Congratulating James and Mary Shepherd of Ennis.
- SR 1131** - by Ellis: Congratulating Miracle Health Care Concepts, Incorporated, in Houston.
- SR 1132** - by Ellis: Congratulating the Alumni, Ex-Students, and Teachers Association of Crockett Colored High/Ralph J. Bunche High School in Houston.
- SR 1133** - by Moncrief: Congratulating the Richland High School girls fast-pitch softball team.
- SR 1137** - by Haywood: Congratulating Knox County Judge David Perdue.
- SR 1138** - by Ratliff: Congratulating Jean Bess Allen of Tyler.
- SR 1140** - by Bernsen: Congratulating NASA Astronaut Fred Haise.
- SR 1142** - by Shapiro: Congratulating Gladys Harrington of Plano.
- SR 1146** - by Truan: Congratulating Antonio Ledesma and Ramona Martinez Falcon.
- HCR 178** - (Ratliff): Commemorating the 150th anniversary of the First Baptist Church of Mount Vernon.
- HCR 265** - (Madla): Honoring former State Representative Susan Gurley McBee of Del Rio.
- HCR 288** - (Madla): Commemorating the citizens of Del Rio and Val Verde County for their outpouring of love during the 1998 flood and remembering those that lost their lives.
- HCR 289** - (Brown): Commending Dan N. MacLemore III on his selection as moderator of the Presbytery of New Covenant.
- HCR 301** - (Bivins): Congratulating Mrs. Helen Greathouse of Midland on her 90th birthday.

MISCELLANEOUS RESOLUTION

SR 1134 - by Moncrief: Recognizing June 7-12, 1999, as Management Week in Texas.

ADJOURNMENT

On motion of Senator Truan, the Senate adjourned at 12:03 a.m. Thursday, May 27, 1999, in memory of Leslie Lane of Austin, until 1:00 p.m. today.

APPENDIX

SIGNED BY GOVERNOR

May 24, 1999

SB 501, SB 506, SB 643, SB 821, SB 1049, SB 1307, SB 1308, SB 1388, SB 1706, SCR 17, SCR 27, SCR 65

SENT TO GOVERNOR

May 26, 1999

SB 19, SB 60, SB 63, SB 131, SB 152, SB 171, SB 209, SB 215, SB 231, SB 258, SB 262, SB 296, SB 307, SB 310, SB 405, SB 430, SB 446, SB 450, SB 521, SB 551, SB 557, SB 567, SB 616, SB 641, SB 674, SB 707, SB 735, SB 785, SB 805, SB 853, SB 862, SB 872, SB 926, SB 934, SB 953, SB 965, SB 974, SB 1020, SB 1102, SB 1105, SB 1116, SB 1204, SB 1217, SB 1254, SB 1277, SB 1290, SB 1302, SB 1321, SB 1346, SB 1378, SB 1382, SB 1419, SB 1442, SB 1532, SB 1591, SB 1624, SB 1626, SB 1669, SB 1685, SCR 40, SCR 42

OFFICIAL MEMORANDUM
STATE OF TEXAS
OFFICE OF THE GOVERNOR

MESSAGE

I hereby agree to return **SB 525** to the Senate for further consideration at the request of the Legislature presented by **SCR 84**.

Article IV, Section 14, of the Texas Constitution directs when and how the Governor can approve or veto any bill passed by both houses of the Legislature. In this instance, the Governor has taken no action on **SB 525** and the Legislature has requested by **SCR 84** that **SB 525** be returned to the Senate. Pursuant to established case law, and while under no obligation to comply with the request, **SB 525** is hereby returned to the Senate for further consideration.

/s/ Governor George W. Bush

May 24, 1999