

SIXTY-FIFTH DAY

THURSDAY, MAY 3, 2001

PROCEEDINGS

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

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

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

The Reverend Barry Chinn, Woodlawn Baptist Church, Austin, offered the invocation as follows:

Almighty creator, we thank You for life and the land we call Texas, from the splendor of the Guadalupe Mountains to the dogwoods of the Piney Woods, from the Palo Duro Canyon to the fertile fields of the Rio Grande Valley. We are a land of rugged individualists, and those who come searching for a freedom they have never tasted, and those we have sometimes forgotten were here first.

Bless the honorable men and women of this Senate who wrestle with the hard questions. They hold the hopes, dreams, and future of the millions who live here. May we join them in making justice and opportunity a reality for all. May we hold the beauty and bounty of our natural resources in sacred trust. Grant us wisdom to seek Thy guiding hand, grant us courage to live nobly, that we fail not man nor Thee. 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.

CO-AUTHORS OF SENATE BILL 1798

On motion of Senator Bivins and by unanimous consent, Senators Lucio, Shapleigh, and West will be shown as Co-authors of **SB 1798**.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

May 3, 2001

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

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

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 658, Relating to authorizing the issuance of revenue bonds to fund capital projects at public institutions of higher education.

HB 1004, Relating to the work or employment activities required under the temporary assistance for needy families program.

HB 1566, Relating to the authority of a governmental entity to take emergency possession of a child and to the services provided for the child.

HB 2033, Relating to requiring notice to purchasers of real property located in a certificated service area of a utility service provider regarding the cost or availability of water or sewer service.

HB 2053, Relating to municipal courts of record.

HB 2097, Relating to prosecuting and punishing certain individuals who violate the civil rights of persons in custody or engage in sexual conduct with persons in custody.

HB 2190, Relating to the establishment of debt issuance policies and guidelines by the Bond Review Board.

HB 2246, Relating to the regulation of the purchase and sale of timber; providing a penalty.

HB 2262, Relating to certain requirements for membership on the governing board of certain state agencies.

HB 2273, Relating to the hours worked during a week by police officers in certain municipalities.

HB 2312, Relating to the resolution of certain contract claims against the state.

HB 2531, Relating to tuition rates at public institutions of higher education.

HB 2550, Relating to the application of the child support guidelines to certain children receiving social security old age benefits.

HB 2691, Relating to procedures for the electronic transfer of voter registration applications by certain voter registration agencies.

HB 2809, Relating to statutory revision and statutory construction.

HB 2888, Relating to limitations on the issuance of tax-supported bonds by school districts.

HB 2987, Relating to an exemption from sex offender registration for certain juvenile and adult offenders.

HB 3040, Relating to air pollutant emissions permitting requirements for shipyard facilities.

HB 3064, Relating to the issuance of general obligation bonds by the Texas Public Finance Authority for certain construction and repair projects.

HB 3149, Relating to the collection and dissemination by the Texas Department of Public Safety of information relating to threats against peace officers.

HB 3294, Relating to the provision of housing and related forms of assistance to residents of colonias and residents of other underserved regions of this state.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS AND RESOLUTIONS

Senator Truan moved to suspend Senate Rule 7.07(b) and Section 5, Article III of the Texas Constitution to permit the introduction of the following bills and resolutions: **SB 1834, SB 1835, SCR 51, SJR 53.**

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

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

SB 1834 by Lindsay, Moncrief
Relating to reimbursements to property owners following foreclosure sales by property owners' associations.
To Committee on Intergovernmental Relations.

SB 1835 by Lindsay, Moncrief
Relating to encumbrances that may be fixed on homestead property.
To Committee on Intergovernmental Relations.

SCR 51 by Bivins
Urging federal and state reconsideration of the necessity of designating the Arkansas River shiner as a threatened species and the necessity of designating critical habitat in Texas for the Arkansas River shiner.
To Committee on Natural Resources.

SJR 53 by Lindsay, Moncrief

Proposing a constitutional amendment permitting an encumbrance to be fixed on homestead property for an obligation to pay certain property owners' association fees without permitting the forced sale of the homestead.

To Committee on Intergovernmental Relations.

HOUSE BILLS AND RESOLUTION ON FIRST READING

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

HB 820 to Committee on Intergovernmental Relations.

HB 893 to Committee on State Affairs.

HB 1006 to Committee on Health and Human Services.

HB 1187 to Committee on Health and Human Services.

HB 1599 to Committee on State Affairs.

HB 1697 to Committee on State Affairs.

HB 1869 to Committee on Business and Commerce.

HB 1902 to Committee on Business and Commerce.

HB 2029 to Committee on Business and Commerce.

HB 2071 to Committee on Finance.

HB 2087 to Committee on Jurisprudence.

HB 2111 to Committee on Jurisprudence.

HB 2114 to Committee on Jurisprudence.

HB 2153 to Committee on Finance.

HB 2184 to Committee on Criminal Justice.

HB 2243 to Committee on State Affairs.

HB 2250 to Committee on Criminal Justice.

HB 2301 to Committee on Education.

HB 2331 to Committee on Business and Commerce.

HB 2336 to Committee on State Affairs.

HB 2409 to Committee on Natural Resources.

HB 2475 to Committee on State Affairs.

HB 2477 to Committee on Intergovernmental Relations.

HB 2543 to Committee on Health and Human Services.

HB 2677 to Committee on Intergovernmental Relations.

HB 2769 to Committee on Business and Commerce.

HB 2810 to Committee on Administration.

HB 2811 to Committee on Administration.

HB 2852 to Committee on Finance.

HB 3185 to Committee on Criminal Justice.

HB 3312 to Committee on Intergovernmental Relations.

HB 3313 to Committee on Education.

HB 3333 to Committee on Intergovernmental Relations.

HB 3351 to Committee on Criminal Justice.

HB 3458 to Committee on Business and Commerce.

HB 3558 to Committee on Education.

HB 3572 to Committee on Health and Human Services.

HB 3590 to Committee on Education.

HB 3603 to Committee on Intergovernmental Relations.

HB 3671 to Committee on Intergovernmental Relations.

HJR 97 to Committee on Finance.

MESSAGE FROM THE GOVERNOR

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

Austin, Texas

May 3, 2001

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

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS PARKS AND WILDLIFE COMMISSION for terms to expire February 1, 2007:

Philip O'B. Montgomery III

7223 Azalea

Dallas, Texas 75230

(replacing Richard Heath of Carrollton whose term expired)

Joseph B. C. Fitzsimons

210 Grove Place

San Antonio, Texas 78209

(replacing Nolan Ryan of Alvin whose term expired)

Respectfully submitted,

/s/Rick Perry

Governor

BILLS SIGNED

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

SB 247, SB 365, SB 522, SB 523, SB 693, SB 795, SB 862, SB 1171.

PHYSICIAN OF THE DAY

Senator Sibley was recognized and presented Dr. William Janss, Jr., of Clifton as the Physician of the Day.

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

SENATE RESOLUTION 741

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Freddy Fender, an international music star and a tremendous Texas talent who has delighted generations with his recordings and performances; and

WHEREAS, Born Baldemar Huerta in the Rio Grande Valley town of San Benito, Freddy was the son of migrant laborers; as a child he had natural enthusiasm for music, and the Latino neighborhood where he grew up provided him with a rich musical education; and

WHEREAS, His first experiences were with Tejano, as this unique Texas blend of German polka and traditional Spanish music was pervasive in his barrio, and later Freddy would be heavily influenced by blues music; this diverse musical heritage would give him incredible versatility as an artist, enabling Freddy to make his mark on several genres; and

WHEREAS, Freddy learned to play music by watching and listening to Tejano musicians at weddings and other neighborhood events; in 1947, at age 10, he made his musical debut on KGBT radio in Harlingen, playing "Paloma Querida"; and

WHEREAS, As a young artist, Freddy Fender rose to the top of Mexican and South American music charts with his versions of Elvis Presley's "Don't Be Cruel" and Harry Belafonte's "Jamaica"; such success captured the attention of Hollywood and Freddy soon signed a contract with Imperial Records; and

WHEREAS, As his career progressed, Freddy Fender had a string of number-one records on both *Billboard's* pop and country charts; his rock and roll and country versions of "Wasted Days and Wasted Nights" were immensely popular with audiences, as were numerous other hits including "The Next Teardrop Falls" and "Secret Love"; and

WHEREAS, In the 1990s, Freddy began yet another successful career when he worked as a vocalist/guitarist in two Grammy award-winning groups, the Texas Tornados and Los Super Seven; both musical acts enjoyed critical and popular success; and

WHEREAS, A prolific and versatile artist who has endeared himself to Tejano, country, and blues music fans alike, Freddy has been honored countless times for his work and has enjoyed multi-platinum sales worldwide; and

WHEREAS, In addition to his vocal career, Freddy has made successful crossovers into film and television; his music has been featured on the soundtracks of such films as *She Came to the Valley* and *Slums of Beverly Hills*, and he himself has appeared in productions like *Milagro Beanfield War* and *Mi Amigos*; his distinct voice and celebrity have also garnered him numerous other opportunities to work as a narrator and in commercials; and

WHEREAS, A highly sought-after performer, Freddy has entertained the world over and has played at the most prestigious of venues, including the inaugural balls of President Bush and President Clinton and Governor Ann Richards and at the White House for President Jimmy Carter; and

WHEREAS, Today, at age 63, Freddy Fender remains an enthusiastic performer, who never fails to delight audiences; as an artist, he continues to explore new musical styles and has recently completed a Bolero album with the Morales brothers that will feature acoustic Mexican music; and

WHEREAS, Beloved by music fans around the globe, Freddy helped introduce the world to the unique sounds of South Texas; for his many accomplishments as an artist and for his steadfast devotion to the people of his state, Texas will always be proud of its native son Freddy Fender; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby salute Freddy Fender for the many years of success he has enjoyed as a musical entertainer and wish him many more years of good fortune in life and in his artistic endeavors; and, be it further

RESOLVED, That a copy of this Resolution be prepared for this extraordinary Texas musician as an expression of the highest esteem of the Texas Senate.

The resolution was again read.

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

The resolution was previously adopted on Tuesday, April 17, 2001.

GUEST PRESENTED

Senator Truan was recognized and introduced to the Senate Freddy Fender.

The Senate welcomed Mr. Fender.

BILL AND RESOLUTIONS SIGNED

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

HB 1545, HCR 59, HCR 151, HCR 152, HCR 161, HCR 164, HCR 166, HCR 167.

CONCLUSION OF MORNING CALL

The President at 10:27 a.m. announced the conclusion of morning call.

GUEST PRESENTED

Senator Duncan was recognized and introduced to the Senate Texas Tech University basketball coach Bobby Knight.

The Senate welcomed Coach Knight.

GUESTS PRESENTED

Senator Carona was recognized and introduced to the Senate sixth-grade students from the Highlander Carden School in Dallas.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate students from Zapata South Elementary School in Zapata.

The Senate welcomed its guests.

SENATE BILL 577 WITH HOUSE AMENDMENTS

Senator Bivins called **SB 577** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 577** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to driving privileges of drivers under 18 years of age.

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

SECTION 1. Section 521.204, Transportation Code, is amended to read as follows:

Sec. 521.204. RESTRICTIONS ON MINOR. (a) The department may issue a Class C driver's license to an applicant under 18 years of age only if the applicant:

(1) is 16 years of age or older;

(2) has submitted to the department a driver education certificate issued under Section 9A, Texas Driver and Traffic Safety Education Act (Article 4413(29c), Vernon's Texas Civil Statutes), that states that the person has completed and passed a driver education course approved by the department under Section 521.205 or by the Texas Education Agency;

(3) has obtained a high school diploma or its equivalent or is a student:

(A) enrolled in a public school, home school, or private school who attended school for at least 80 days in the fall or spring semester preceding the date of the driver's license application; or

(B) who has been enrolled for at least 45 days, and is enrolled as of the date of the application, in a program to prepare persons to pass the high school equivalency exam; and

(4) has passed the examination required by Section 521.161.

(b) The department may not issue a Class A, B, or C driver's license other than a hardship license to an applicant under 18 years of age unless the applicant:

(1) has held an instruction permit or hardship license for at least six months preceding the date of the application; and

(2) submits with the application a document that:

(A) states that the applicant has completed at least 50 hours of driving, including at least 10 hours of nighttime driving, accompanied as required under Section 521.222(d)(2); and

(B) is signed by the applicant's parent or guardian.

SECTION 2. Section 521.222(d), Transportation Code, is amended to read as follows:

(d) An instruction permit entitles the holder to operate a type of motor vehicle on a highway while:

(1) the permit is in the holder's possession; and

(2) the holder is accompanied by a person occupying the seat by the operator who:

(A) holds a license that qualifies the operator to operate that type of vehicle;

(B) is 21 [+8] years of age or older; and

(C) has at least one year of driving experience.

SECTION 3. Section 521.271(a), Transportation Code, is amended to read as follows:

(a) Each original driver's license and provisional license expires as follows:

(1) a driver's license expires on the first birthday of the license holder occurring after the sixth anniversary of the date of the application;

- (2) a provisional license expires on the earlier of:
 - (A) the 18th birthday of the license holder; or
 - (B) the first birthday of the license holder occurring after the date of the application;
- (3) an instruction permit expires on the second [first] birthday of the license holder occurring after the date of the application; and
- (4) an occupational license expires on the first anniversary of the court order granting the license.

SECTION 4. Subchapter I, Chapter 545, Transportation Code, is amended by adding Section 545.424 to read as follows:

Sec. 545.424. OPERATION OF VEHICLE BY PERSON UNDER 18 YEARS OF AGE. (a) A person under 18 years of age, during the six-month period following issuance of an original Class A, B, or C driver's license to the person, may not operate a motor vehicle:

(1) after 11 p.m. and before 5 a.m. unless the operation of the vehicle is necessary for the operator to attend or participate in employment or a school-related activity or because of a medical emergency; or

(2) with a passenger in the vehicle under 21 years of age unless the passenger is the operator's brother or sister and the transportation of the passenger is authorized by the operator's parent or guardian.

(b) This section does not apply to:

(1) the holder of a hardship license; or

(2) a person operating a motor vehicle while accompanied in the manner required by Section 521.222(d)(2) for the holder of an instruction permit.

(c) For the purposes of Subsection (a)(1), employment includes work on a family farm by a member of the family that owns or operates the farm.

SECTION 5. This Act does not affect the validity or effect of a driver's license, including an instruction permit, issued before the effective date of this Act. A license issued before the effective date of this Act is governed by the law in effect when the license was issued, and that law is continued in effect for that purpose.

SECTION 6. This Act takes effect September 1, 2001.

Floor Amendment No. 1

Amend **CSSB 577** at the end of SECTION 4 of the bill (Committee printing, page 4, between lines 8 and 9) by inserting:

(d) A peace officer may not stop a vehicle or detain the operator of a vehicle for the sole purpose of determining whether the operator of the vehicle has violated this section.

The amendments were read.

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

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on **SB 577** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Bivins, Chair; Whitmire, Ogden, West, and Sibley.

SENATE BILL 187 WITH HOUSE AMENDMENTS

Senator Shapleigh called **SB 187** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **SB 187** as follows:

(1) In SECTION 1 of the bill, in added Section 2054.266, Government Code (Senate Engrossment, page 6, line 23), strike "GIFTS" and substitute "DONATIONS AND GRANTS".

(2) In SECTION 1 of the bill, in added Section 2054.266, Government Code (Senate Engrossment, page 6, line 24), strike "gift, donation," and substitute "donation".

(3) In SECTION 1 of the bill, in added Section 2054.266, Government Code (Senate Engrossment, page 6, line 24), after "person" and before the period, insert "for use by the authority in implementing or managing the project".

Committee Amendment No. 2

Amend **SB 187** (Senate Engrossment) as follows:

(1) On page 2, line 21, after "governor" and before the semicolon, insert ", including one representative from a junior college district".

(2) On page 2, line 24, after "governor" and before the semicolon, insert ", including one representative from a rural area".

(3) On page 3, line 1, after "governor" and before the semicolon, insert ", including one representative from a rural area".

(4) On page 3, line 2, after "governor" and before the period, insert ", including one representative from a rural area".

Floor Amendment No. 3

Amend **SB 187** as follows:

(1) In SECTION 1 of the bill, in added Section 2054.251, Government Code, between Subdivisions (2) and (3) (House Committee Printing page 1, between lines 11 and 12), insert the following:

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

(2) In SECTION 1 of the bill, in added Section 2054.251(3), Government Code (House Committee Printing page 1, line 12), strike "(3)" and substitute "(4)".

(3) In SECTION 1 of the bill, in added Section 2054.251, Government Code, between Subdivisions (3) and (4) (House Committee Printing page 1, between lines 14 and 15), insert the following:

(5) "Occupational license" means a license, certificate, registration, or other form of authorization that a person must obtain to practice or engage in a particular business, occupation, or profession.

(4) In SECTION 1 of the bill, in added Section 2054.251(4), Government Code (House Committee Printing page 1, line 15), strike "(4)" and substitute "(6)".

(5) In SECTION 1 of the bill, strike the section heading and Subsection (a) of added Section 2054.252, Government Code (House Committee Printing page 1 line 17, through page 2, line 9), and substitute the following:

Sec. 2054.252. TEXASONLINE PROJECT. (a) The authority shall implement a project designated "Texas Online" that establishes a common electronic infrastructure through which state agencies and local governments, including licensing authorities, may electronically:

(1) send and receive documents or required payments to and from:

(A) members of the public;

(B) persons who are regulated by the agencies or local governments; and

(C) the agencies and local governments;

(2) receive applications for original and renewal licenses and permits, including occupational licenses, complaints about occupational license holders, and other documents for filing from members of the public and persons who are regulated by a state agency or local government that, when secure access is necessary, can be electronically validated by the agency, local government, member of the public, or regulated person;

(3) send original and renewal occupational licenses to persons regulated by licensing authorities;

(4) send profiles of occupational license holders to persons regulated by licensing authorities and to the public;

(5) store information; and

(6) provide and receive any other service to and from the agencies and local governments or the public.

(6) In SECTION 1 of the bill, at the end of added Section 2054.252, Government Code (House Committee Printing page 2, between lines 12 and 13), insert the following:

(c) The authority may implement this section in phases. Each state agency or local government that chooses to participate in the project and each licensing authority shall comply with the schedule established by the authority.

(d) The authority may contract with a private vendor to implement this section.

(e) The authority shall charge fees to licensing authorities in amounts sufficient to cover the cost of implementing this section with respect to licensing authorities. The authority shall charge a subscription fee to be paid by each licensing authority.

(f) The authority, in cooperation with the Legislative Budget Board, may exempt a licensing authority from subscription fees under Subsection (e) if the authority determines that the licensing authority has established an Internet portal that is performing the functions described by Subsection (a).

(g) The amount of a subscription fee under Subsection (e) must be approved by the Legislative Budget Board.

(h) Each licensing authority shall increase the occupational license renewal fees imposed by the licensing authority by an amount sufficient to cover the cost of the subscription fee imposed on the licensing authority under Subsection (e) but not to exceed:

(1) \$5 for an occupational license that is required to be renewed annually; or

(2) \$10 for an occupational license that is required to be renewed biennially.

(7) In SECTION 1 of the bill, in added Section 2054.260, Government Code (House Committee Printing page 5, line 7), between "REQUIREMENTS" and the period, insert ": AUTHORITY".

(8) In SECTION 1 of the bill, between added Sections 2054.260 and 2054.261, Government Code (House Committee Printing page 5, between lines 22 and 23), insert the following:

Sec. 2054.2605. REPORTING REQUIREMENTS: LICENSING AUTHORITIES. (a) Each licensing authority shall report to the Legislative Budget Board on the licensing authority's progress in using the project in performing the functions described by Section 2054.252(a).

(b) This section applies only to a licensing authority for which the licensing authority has begun implementation of the project under the schedule established by the Texas Online Authority.

(c) A report required by this section shall be submitted every six months according to a reporting schedule established by the Legislative Budget Board.

Sec. 2054.2606. REPORTING PROFILE INFORMATION. (a) The following licensing authorities shall establish a profile system consisting of the specific license holder information prescribed by Subsection (c):

(1) Texas Board of Chiropractic Examiners, with respect to chiropractors;

(2) Texas State Board of Podiatric Medical Examiners, with respect to podiatrists;

(3) State Board of Dental Examiners, with respect to dentists;

(4) Texas Optometry Board, with respect to optometrists and therapeutic optometrists;

(5) Texas Board of Physical Therapy Examiners, with respect to physical therapists and physical therapy facilities;

(6) Texas Board of Occupational Therapy Examiners, with respect to occupational therapists and occupational therapy facilities;

(7) Texas State Board of Examiners of Psychologists, with respect to psychologists; and

(8) Texas State Board of Pharmacy, with respect to pharmacists and pharmacies.

(b) A licensing authority other than a licensing authority listed in Subsection (a) is encouraged to establish a profile system consisting of the specific license holder information prescribed by Subsection (c).

(c) A licensing authority that establishes a profile system under this section shall determine the information to be included in the system and the manner for collecting and reporting the information. At a minimum, the authority shall include the following information in the profile system:

(1) the name of the license holder and the address and telephone number of the license holder's primary practice location;

(2) whether the license holder's patient, client, user, customer, or consumer service areas, as applicable, are accessible to disabled persons, as defined by federal law;

(3) the type of language translating services, including translating services for a person with impairment of hearing, that the license holder provides for patients, clients, users, customers, or consumers, as applicable;

(4) if applicable, insurance information, including whether the license holder participates in the state child health plan under Chapter 62, Health and Safety Code, or the Medicaid program;

(5) the education and training received by the license holder, as required by the licensing authority;

(6) any specialty certification held by the license holder;

(7) the number of years the person has practiced as a license holder; and

(8) if applicable, any hospital affiliation of the license holder.

(d) The authority by rule shall prescribe the amount of the fee to be collected by a state agency that establishes a profile system for its license holders. The amount of the fee prescribed under this subsection must be approved by the Legislative Budget Board.

(e) The authority shall adopt additional rules as necessary to assist in the funding and administration of the profile systems established by state agencies, including rules prescribing policies for vendor contracts relating to the collection and entry of profile data.

(9) Between SECTIONS 6 and 7 of the bill (House Committee Printing page 9, between lines 20 and 21), insert the following sections, appropriately numbered, and renumber the subsequent section accordingly:

SECTION _____. (a) Not later than April 1, 2002, the Texas Online Authority shall adopt a schedule for implementing Section 2054.252, Government Code, as added by this Act. The schedule shall permit the initial group of licensing authorities to perform the functions described by Section 2054.252(a), Government Code, as added by this Act, not later than September 1, 2002.

(b) Not later than January 1, 2003, the Texas Online Authority shall report to the presiding officer of each house of the legislature and to the presiding officers of the committees of each house of the legislature that have primary oversight jurisdiction over the authority or over a licensing authority subject to Subchapter I, Chapter 2054, Government Code, as added by this Act, on the authority's progress in implementing Section 2054.252, Government Code, as added by this Act.

SECTION _____. (a) Each state agency required under this Act to establish a profile system shall adopt rules under this Act not later than January 1, 2002. The agency shall make the initial profiles required under this Act available to the public not later than January 1, 2005.

(b) Each state agency required under this Act to establish a profile system shall collect the fee prescribed by the Texas Online Authority under Section 2054.2606(d), Government Code, as added by this Act, with the approval of the Legislative Budget Board. The authority shall prescribe the amount of the fee not later than January 1, 2002. A state agency required to collect the fee shall begin collecting the fee as part of the agency's license renewal system on that date.

Floor Amendment No. 1 on Third Reading

Amend **SB 187**, on third reading, as follows:

(1) In Subsection (f), Section 2054.252, Government Code, as added on second reading by Amendment No. 3 by Maxey (page 3, lines 4 and 5, of the amendment), strike "in cooperation with the Legislative Budget Board".

(2) Strike the second sentence of Subsection (d), Section 2054.2606, Government Code, as added on second reading by Amendment No. 3 by Maxey (page 5, lines 28-30, of the amendment), which reads: The amount of the fee prescribed under this subsection must be approved by the Legislative Budget Board.

(3) Add a new section to the bill, appropriately numbered, to read as follows:

SECTION _____. Section 2054.252(h), Government Code, as added by this Act, expires September 1, 2005.

Floor Amendment No. 2 on Third Reading

Amend **SB 187** on third reading by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 2054.051, Government Code, is amended by adding Subsection (f) to read as follows:

(f) The department shall identify opportunities for state agencies to coordinate with each other in the adoption and implementation of information resources technology projects.

SECTION _____. Section 2054.096(a), Government Code, is amended to read as follows:

(a) Each agency strategic plan must be consistent with the state strategic plan and include:

(1) a statement of the state agency's goals, objectives, and programs as found in the agency's legislative appropriations request;

(2) a description of the agency's major data bases and their applications;

(3) a description of the agency's information resources management organizations, policies, and practices;

(4) a description of interagency computer networks in which the agency participates;

(5) a statement of the strategic objectives of the agency relating to information resources management for the next five fiscal years, beginning with the fiscal year during which the plan is submitted, with a description of how those objectives help achieve the agency's programs and goals, and a description of how those objectives support and promote the goals and policies of the state strategic plan;

(6) a description of any information resources technology projects proposed by the agency, including:

(A) a statement of how the projects relate to similar projects, as identified by the department, implemented or proposed by other agencies; and

(B) a description of any proposed plans for coordinating the projects with other agencies; and

(7) [6] other planning components that the department may prescribe.

The amendments were read.

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

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on **SB 187** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Shapleigh, Chair; Gallegos, Duncan, Bernsen, and Van de Putte.

SENATE BILL 149 WITH HOUSE AMENDMENTS

Senator Carona called **SB 149** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Committee Amendment No. 1

Amend **SB 149** as follows:

Insert the following new section on page 1, line 24, between Sections 1 and 2 and renumber all remaining sections:

SECTION 2. Section 61.227, Education Code, is amended to read as follows:

Sec. 61.227. PAYMENT OF GRANT; AMOUNT. (a) On receipt of a certification of the amount of financial need from an approved institution, the coordinating board shall certify the amount of the tuition equalization grant based on financial need but not to exceed a grant amount of more than that specified in the appropriation by the legislature, or more than the difference between the tuition at the private institution attended and the tuition at the public colleges and universities.

Floor Amendment No. 2

Amend **SB 149** (House committee printing) by adding the following appropriately numbered section and renumbering the subsequent sections accordingly:

SECTION _____. (a) Section 56.307(h), Education Code, is amended to read as follows:

(h) The total amount of grants that a student may receive in an academic year under this subchapter and under Section 61.221 may not exceed the total amount of tuition and required fees charged to the student in that year for the academic periods for which one or more of the grants were awarded [~~maximum amount authorized under Section 61.227~~].

(b) The change in law made by this section applies beginning with the 2001-2002 academic year.

Floor Amendment No. 1 on Third Reading

Amend **SB 149**, on third reading, by striking Amendment No. 2, second reading (Telford amendment).

The amendments were read.

On motion of Senator Carona, the Senate concurred in the House amendments to **SB 149** by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 350 ON THIRD READING**

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

CSSB 350, Relating to wage rates paid by or on behalf of certain school districts on public works projects.

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

RECORD OF VOTES

Senators Brown, Jackson, and Wentworth asked to be recorded as voting "Nay" on the final passage of **CSSB 350**.

**COMMITTEE SUBSTITUTE
SENATE BILL 85 ON THIRD READING**

Senator Lucio asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

CSSB 85, Relating to the punishment for a capital offense.

There was objection.

Senator Lucio then moved to suspend the regular order of business and take up **CSSB 85** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 8, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Gallegos, Haywood, Lucio, Madla, Moncrief, Shapleigh, Sibley, Truan, Van de Putte, West, Whitmire.

Nays: Fraser, Jackson, Nelson, Ogden, Shapiro, Staples, Wentworth, Zaffirini.

Present-not voting: Mr. President.

Absent: Harris, Lindsay.

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

RECORD OF VOTES

Senators Fraser, Jackson, Lindsay, Nelson, Ogden, Shapiro, Staples, Wentworth, and Zaffirini asked to be recorded as voting "Nay" on the final passage of **CSSB 85**.

**COMMITTEE SUBSTITUTE
SENATE BILL 1541 ON THIRD READING**

Senator Duncan asked unanimous consent to suspend the regular order of business to take up for consideration at this time on its third reading and final passage:

CSSB 1541, Relating to the permanent management of low-level radioactive waste.

There was objection.

Senator Duncan then moved to suspend the regular order of business and take up **CSSB 1541** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 9, Present-not voting 1.

Yeas: Armbrister, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Haywood, Jackson, Lindsay, Lucio, Nelson, Ogden, Shapiro, Sibley, Staples, Wentworth, Whitmire.

Nays: Barrientos, Bernsen, Madla, Moncrief, Shapleigh, Truan, Van de Putte, West, Zaffirini.

Present-not voting: Mr. President.

Absent: Harris.

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

RECORD OF VOTES

Senators Barrientos, Bernsen, Ellis, Gallegos, Madla, Moncrief, Shapleigh, Truan, Van de Putte, West, and Zaffirini asked to be recorded as voting "Nay" on the final passage of **CSSB 1541**.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate seventh-grade students from the First Baptist School in Brownsville.

The Senate welcomed its guests.

**COMMITTEE SUBSTITUTE
SENATE BILL 464 ON THIRD READING**

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

CSSB 464, Relating to determining the prevailing per diem wage rate to be paid in connection with constructing a public work for the state.

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

RECORD OF VOTES

Senators Bivins, Fraser, Haywood, Jackson, Nelson, Ogden, Shapiro, Staples, and Wentworth asked to be recorded as voting "Nay" on the final passage of **CSSB 464**.

**COMMITTEE SUBSTITUTE
SENATE BILL 1470 ON SECOND READING**

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

CSSB 1470, Relating to the creation of a pilot program for certain juveniles with mental illness and placed on probation by a juvenile court.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1470 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 **CSSB 1470** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla,

Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1814 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 engrossment:

CSSB 1814, Relating to the tuition for law school and graduate and professional pharmacy courses at public institutions of higher education.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1814** as follows:

In SECTION 1 (Senate committee report, page 1, line 40), insert the following new subsection:

(h) Any school that increases tuition charges as described in Section 54.008(f) and (g) must dedicate a total of 40 percent of this increase to scholarships or other financial assistance for students with financial need in the law and pharmacy programs described above.

The amendment was read and failed of adoption by the following vote: Yeas 14, Nays 15, Present-not voting 1.

Yeas: Barrientos, Bernsen, Cain, Ellis, Gallegos, Lucio, Madla, Moncrief, Shapleigh, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Armbrister, Bivins, Brown, Carona, Duncan, Fraser, Haywood, Jackson, Lindsay, Nelson, Ogden, Shapiro, Sibley, Staples, Wentworth.

Present-not voting: Mr. President.

Absent: Harris.

CSSB 1814 was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Truan and Zaffirini asked to be recorded as voting "Nay" on the passage of **CSSB 1814** to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1814 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 **CSSB 1814** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Van de Putte, West, Whitmire.

Nays: Truan, Wentworth, Zaffirini.

Present-not voting: Mr. President.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Van de Putte, Wentworth, West, Whitmire.

Nays: Truan, Zaffirini.

Present-not voting: Mr. President.

(Senator Armbrister in Chair)

**COMMITTEE SUBSTITUTE
SENATE BILL 1707 ON SECOND READING**

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

CSSB 1707, Relating to certain practices of title insurance companies in providing area and boundary coverage.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1707 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1707** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

**COMMITTEE SUBSTITUTE
SENATE BILL 527 ON SECOND READING**

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

CSSB 527, Relating to taking regulatory action against assisted living facilities, including the imposition of administrative penalties.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 527 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 **CSSB 527** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1458 ON SECOND READING**

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

CSSB 1458, Relating to the management of state agency and local government electronic projects, equipment, and contracts, to the purchase and use of certain advanced technological equipment, and to the use of outside personnel by the comptroller of public accounts.

The bill was read second time.

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1458** in the following manner:

- (1) Amend Article III (page 9) by adding Section 3.02 to read as follows:
SECTION 3.02. The provisions in Article III apply to the extent that funds are specifically appropriated for the purpose of Article III.
- (2) Renumber the subsequent sections in Article III appropriately.

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

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1458** as follows:

(1) In SECTION 3.02 of the bill (committee printing, page 10, line 64), in the heading to added Section 2054.113, Government Code, strike "; WAIVER".

(2) In SECTION 3.02 of the bill (committee printing, page 10, line 68 through page 11, line 14), strike added Section 2054.113(b), Government Code, and substitute:

(b) A state agency may not duplicate an infrastructure component of TexasOnline unless the program management office approves the duplication.

(3) In SECTION 4.05 of the bill (committee printing, page 15, lines 67-68), strike redesignated and amended Section 2177.004(n), Government Code, and substitute:

(n) This section does not apply to a state agency to which Section 51.9335 or 73.115, Education Code, applies.

(4) Insert a new SECTION 4.06 (committee printing, between pages 15 and 16) to read as follows:

SECTION 4.06. Chapter 2177, Government Code, is amended by adding Section 2177.005 to read as follows:

Sec. 2177.005. APPLICABILITY TO INSTITUTIONS OF HIGHER EDUCATION. An institution of higher education may, but is not required to, participate in any electronic procurement system established under this chapter.

(5) In SECTION 10.01 of the bill (committee printing, page 21, line 14), in added Section 2054.0285(a), Government Code, strike "this state" and substitute "Texas state government".

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

Senator Duncan offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1458** in the following manner:

(1) Beginning on page 17, strike Article VII.

(2) Renumber the subsequent Articles appropriately.

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

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

CSSB 1458 as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1458 ON THIRD READING

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1458** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla,

Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

**COMMITTEE SUBSTITUTE
SENATE BILL 1312 ON SECOND READING**

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

CSSB 1312, Relating to the authority of certain retired peace officers to carry certain weapons.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1312 ON THIRD READING**

Senator Staples moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1312** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

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

PERSONAL PRIVILEGE STATEMENTS

Senators West, Whitmire, Sibley, Ellis, Lucio, Shapiro, Ogden, Gallegos, Shapleigh, and Staples were recognized and addressed the Senate on matters of personal privilege.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

May 3, 2001

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

SB 15, Relating to excepting certain information maintained by family violence shelter centers and sexual assault programs from disclosure under the public information law.

SB 179, Relating to exempting military personnel and their dependents from the testing requirements of the Texas Academic Skills Program and from other similar testing requirements.
(Committee Substitute/Amended)

SB 219, Relating to disposition of out-of-county crimes.

SB 243, Relating to financing capital improvements and facility expansions through the assessment of impact fees; providing a civil penalty.
(Committee Substitute/Amended)

SB 288, Relating to the financial transactions of a community supervision and corrections department.
(Amended)

SB 353, Relating to certain programs to develop the technology workforce in Texas by supporting and promoting higher education in engineering and computer science.

SB 415, Relating to operation of the Texas Medical Liability Insurance Underwriting Association and to participation of nursing homes in that association.
(Committee Substitute)

SB 495, Relating to the educational requirements for certain justices of the peace.

SB 573, Relating to a public awareness campaign to promote the value and availability of higher education.

SB 610, Relating to the restoration of the civil rights of certain individuals convicted of offenses allegedly committed in other countries.

SB 827, Relating to certain anticipation notes for rural economic development.

SB 832, Relating to requiring reports from the Health and Human Services Commission about the state Medicaid program.
(Amended)

SB 1196, Relating to the use of certain practices in disciplining or techniques in managing the behavior of public school students.

(Committee Substitute/Amended)

SB 1380, Relating to the administration and application of the sex offender registration program and to other requirements imposed on persons by the sex offender registration program.

(Committee Substitute/Amended)

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

THE HOUSE HAS CONCURRED IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES:

HB 966 (viva-voce vote)

HB 992 (viva-voce vote)

HB 1629 (143 AYES, 0 NAYS, 1 PRESENT NOT VOTING)

HB 1665 (145 AYES, 0 NAYS, 1 PRESENT NOT VOTING)

HB 1840 (144 AYES, 0 NAYS, 1 PRESENT NOT VOTING)

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

AT EASE

The President at 12:31 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

IN LEGISLATIVE SESSION

Senator Brown at 12:45 p.m. called the Senate to order as In Legislative Session.

COMMITTEE SUBSTITUTE SENATE BILL 1573 ON SECOND READING

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

CSSB 1573, Relating to the regulation of floating cabins; providing penalties.

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

COMMITTEE SUBSTITUTE SENATE BILL 1573 ON THIRD READING

Senator Lindsay moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1573** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla,

Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate sixth-grade students from George Washington Carver Elementary School in Dallas, accompanied by their teachers and parents.

The Senate welcomed its guests.

HOUSE BILL 261 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 261, Relating to the transfer of a defendant from county jail to the institutional division of the Texas Department of Criminal Justice pending an appeal by the defendant.

The bill was read second time.

Senator Bernsen offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 261**, (Committee Printing), as follows:

On page 1, line 23, insert the following after "appeal.": If a defendant has filed a motion for new trial, he may not be transferred to the institutional division until the expiration of 75 days after the date of sentencing.

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.

HB 261 as amended was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 681 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 engrossment:

CSSB 681, Relating to transportation systems for commercial motor vehicles at certain transportation facilities.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 681** at the end of SECTION 1 of the bill (Committee Printing, page 2, between lines 14 and 15), by inserting the following:

(f) Construction of a facility to which this section applies is subject to the availability of federal funding for that purpose.

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

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

CSSB 681 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 681 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 **CSSB 681** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

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

SENATE BILL 786 ON SECOND READING

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

SB 786, Relating to the creation of an unsolved crimes investigation team within the Department of Public Safety of the State of Texas.

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

SENATE BILL 786 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 **SB 786** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla,

Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1313 ON SECOND READING**

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

CSSB 1313, Relating to the creation of the offense of failing to report the commission of a felony.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1313 ON THIRD READING**

Senator Staples moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1313** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

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

SENATE BILL 745 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 engrossment:

SB 745, Relating to sanctions that may be imposed on certain school districts.

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

SENATE BILL 745 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 **SB 745** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

COMMITTEE SUBSTITUTE SENATE BILL 1798 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 engrossment:

CSSB 1798, Relating to the creation, funding, and operation of the Teachers' Home Loan Program.

The bill was read second time.

Senator Bivins offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1798** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter B, Chapter 1372, Government Code, is amended by adding Section 1372.0221 to read as follows:

Sec. 1372.0221. DEDICATION OF PORTION OF STATE CEILING FOR TEACHERS HOME LOAN PROGRAM. Out of that portion of the state ceiling that is available exclusively for reservations by issuers of qualified mortgage bonds under Section 1372.022, \$25 million shall be allotted each year and made available exclusively to the Texas State Affordable Housing Corporation for the purpose of issuing qualified mortgage bonds in connection with the teachers home loan program established under Section 2306.562.

SECTION 2. Sections 2306.553(a) and (b), Government Code, are amended to read as follows:

(a) The public purpose of the corporation is to perform activities and services that the corporation's board of directors determines will promote the public health, safety, and welfare through the provision of adequate, safe, and sanitary housing primarily for individuals and families of low, very low, and extremely low income, and for teachers under the teachers home loan program as provided by Section 2306.562. The activities and services shall include engaging in mortgage banking activities and lending transactions and acquiring, holding, selling, or leasing real or personal property.

(b) The corporation's primary public purpose is to facilitate the provision of housing and the making of affordable loans to individuals and families of low, very

low, and extremely low income, and to teachers under the teachers home loan program. The corporation may make first lien, single family purchase money mortgage loans for single family homes only to individuals and families of low, very low, and extremely low income if the individual's or family's household income is not more than the greater of 60 percent of the median income for the state, as defined by the United States Department of Housing and Urban Development, or 60 percent of the area median family income, adjusted for family size, as defined by that department. The corporation may make loans for multifamily developments if:

(1) at least 40 percent of the units in a multifamily development are affordable to individuals and families with incomes at or below 60 percent of the median family income, adjusted for family size; or

(2) at least 20 percent of the units in a multifamily development are affordable to individuals and families with incomes at or below 50 percent of the median family income, adjusted for family size.

SECTION 3. Subchapter Y, Chapter 2306, Government Code, is amended by adding Section 2306.562 to read as follows:

Sec. 2306.562. TEACHERS HOME LOAN PROGRAM. (a) In this section:

(1) "Home" means a dwelling in this state in which a teacher intends to reside as the teacher's principal residence.

(2) "Mortgage lender" has the meaning assigned by Section 2306.004.

(3) "Program" means the teachers home loan program.

(4) "Teacher" means a person who is a classroom teacher as defined by Section 5.001, Education Code.

(b) The corporation shall establish a program to provide eligible teachers with low-interest home mortgage loans.

(c) To be eligible for a loan under this section, a teacher must:

(1) have been residing in this state for the five-year period preceding the date the teacher files an application for a loan under this section;

(2) have been working as a teacher for the three-year period preceding the application date; and

(3) reside in this state on the application date.

(d) The corporation may contract with other agencies of the state or with private entities to determine whether applicants qualify as teachers under this section or otherwise to administer all or part of this section.

(e) The board of directors of the corporation may set and collect from each applicant any fees the board considers reasonable and necessary to cover the expenses of administering the program.

(f) The board of directors of the corporation shall adopt rules governing:

(1) the administration of the program;

(2) the making of loans under the program;

(3) the criteria for approving mortgage lenders;

(4) the use of insurance on the loans and the homes financed under the program, as considered appropriate by the board to provide additional security for the loans;

(5) the verification of occupancy of the home by the teacher as the teacher's principal residence; and

(6) the terms of any contract made with any mortgage lender for processing, originating, servicing, or administering the loans.

(g) The corporation shall ensure that a loan under this section is structured in a way that complies with any requirements associated with the source of the funds used for the loan.

(h) In addition to funds set aside for the program under Section 1372.0221, the corporation may solicit and accept funding for the program from the following sources:

- (1) gifts and grants for the purposes of this section;
- (2) available money in the housing trust fund established under Section 2306.201, to the extent available to the corporation;
- (3) federal block grants that may be used for the purposes of this section, to the extent available to the corporation;
- (4) other state or federal programs that provide money that may be used for the purposes of this section; and
- (5) amounts received by the corporation in repayment of loans made under this section.

(i) This section expires September 1, 2012.

SECTION 4. The Texas State Affordable Housing Corporation shall:

- (1) aggressively pursue funding for the teachers home loan program required by Section 2306.562, Government Code, as added by this Act; and
- (2) implement the teachers home loan program required by that section not later than September 1, 2002.

SECTION 5. (a) If the legislature finds in a scheduled review of the Texas State Affordable Housing Corporation by the Sunset Advisory Commission under Section 2306.5521, Government Code, that the teachers home loan program under Section 2306.562, Government Code, as added by this Act, is not being managed to accomplish the goal of providing low-interest home mortgage loans to teachers, the legislature shall make specific recommendations to remedy any problems.

(b) If the legislature finds in a scheduled review of the Texas State Affordable Housing Corporation by the Sunset Advisory Commission under Section 2306.5521, Government Code, that the corporation should be abolished, the teachers home loan program under Section 2306.562, Government Code, as added by this Act, shall be transferred to another appropriate state agency.

SECTION 6. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

The amendment was read.

Senator Lucio offered the following amendment to the amendment:

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **CSSB 1798** in Section 4 of the amendment, page 4, after line 15, by inserting a new number (1) to read as follows, and renumbering as appropriate:

- (1) give priority to a teacher who resides or teaches in an area of the state with a teacher shortage, as determined by the commissioner of education;

The amendment to the amendment 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 Bivins and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

CSSB 1798 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1798 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 **CSSB 1798** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

**COMMITTEE SUBSTITUTE
SENATE BILL 1806 ON SECOND READING**

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

CSSB 1806, Relating to the sale and lease of vacant and unsurveyed public school land.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1806 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1806** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bernsen, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Harris, Haywood, Jackson, Lindsay, Lucio, Madla,

Moncrief, Nelson, Ogden, Shapiro, Shapleigh, Sibley, Staples, Truan, Van de Putte, West, Whitmire, Zaffirini.

Nays: Wentworth.

Present-not voting: Mr. President.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1367 ON SECOND READING**

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

CSSB 1367, Relating to the transportation of an unsecured child in a motor vehicle; providing penalties.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1367 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1367** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 273 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 engrossment:

CSSB 273, Relating to certain rights and benefits, including retirement benefits administered by the Teacher Retirement System of Texas, for public school teachers and certain other governmental employees.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 273** as follows:

Insert on page 3, after line 44, a new Bill Section 10 and renumber the sections to read as follows:

"SECTION 10. Section 824.203, Government Code, is amended to read as follows:

~~(c) The annual standard service retirement annuity for a person who immediately before retirement holds a position as a classroom teacher or full time librarian, or the annual death benefit annuity based on the service of a member who at the time of death held a position as a classroom teacher or full time librarian, may not be less than an amount computed on the basis of the minimum annual salary provided by the Education Code for a classroom teacher or full time librarian, multiplied by 2.2 percent for each year of service credit in the retirement system."~~

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

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 273** as follows:

On page 5, line 12, strike "fourth" between "the" and "day" and substitute "fifth working."

On page 8, line 29, strike "fourth" between "the" and "day" and substitute "fifth working."

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

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 273** (senate committee printing) as follows:

(1) In SECTION 26 of the bill, in added Subsection (b), between "(a)" and "of", insert "or (d)" (page 8, line 61).

(2) In SECTION 26 of the bill, add Subsection (d) to read as follows (page 8, between lines 68 and 69):

(d) A person to whom Chapter 805, Government Code, applies and who was an employee of a public institution of higher education between March 31, 1969, and August 31, 1977, may establish service credit for employment by the institution during that period if:

(1) the person's part-time employment by the institution averaged at least 20 hours a week for at last 4-1/2 months during a school year; and

(2) the person deposits, not later than September 1, 2002, with the Teacher Retirement System of Texas the amount required by the retirement system on May 1, 2001, to establish credit for unreported service.

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.

CSSB 273 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 273 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 **CSSB 273** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1, Present-not voting 1.

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

Nays: Wentworth.

Present-not voting: Mr. President.

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

HOUSE BILL 198 ON SECOND READING

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

HB 198, Relating to the refund of certain consumer loan acquisition charges.

There was objection.

Senator Carona then moved to suspend the regular order of business and take up **HB 198** for consideration at this time.

The motion prevailed by the following vote: Yeas 22, Nays 5, Present-not voting 1.

Yeas: Armbrister, Bivins, Brown, Carona, Duncan, Ellis, Fraser, Harris, Haywood, Jackson, Lindsay, Lucio, Madla, Moncrief, Nelson, Ogden, Shapiro, Sibley, Staples, Van de Putte, Wentworth, Zaffirini.

Nays: Barrientos, Gallegos, Shapleigh, Truan, West.

Present-not voting: Mr. President.

Absent: Bernsen, Cain, Whitmire.

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

RECORD OF VOTES

Senators Barrientos, Gallegos, Shapleigh, Truan, and West asked to be recorded as voting "Nay" on the passage of **HB 198** to third reading.

SENATE BILL 607 WITH HOUSE AMENDMENT

Senator Van de Putte called **SB 607** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 607** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the creation of a municipal development corporation to provide educational and job training; authorizing the imposition of certain local taxes; providing an administrative penalty.

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

SECTION 1. Subtitle A, Title 12, Local Government Code, is amended by adding Chapter 379A to read as follows:

CHAPTER 379A. MUNICIPAL DEVELOPMENT CORPORATIONS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 379A.001. SHORT TITLE. This chapter may be cited as the Better Jobs Act.

Sec. 379A.002. FINDINGS AND PURPOSES. (a) The legislature finds that:

(1) it is an appropriate role for a municipality to foster economic opportunity, job generation, and capital investment by promoting a favorable business climate, preparing the workforce for productive employment, and supporting infrastructure development;

(2) while some municipalities choose to meet that role through the creation of economic development zones and reinvestment zones, the core root of all economic development is a competent and qualified workforce; and

(3) the programs designed to create a competent and qualified workforce are essential both to the economic growth and vitality of many municipalities in this state and to the elimination of unemployment and underemployment in those municipalities.

(b) The programs authorized by this chapter are in the public interest, promote the economic welfare of this state, and serve the state public purpose of developing and diversifying the economy of this state and eliminating unemployment and underemployment in this state.

(c) This chapter shall be liberally construed in conformity with the findings and purposes stated in this section.

Sec. 379A.003. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of a municipal development corporation.

(2) "Corporation" means a municipal development corporation created under this chapter.

Sec. 379A.004. APPLICATION OF NON-PROFIT CORPORATION ACT. A corporation created under this chapter is governed by the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), except to the extent inconsistent with this chapter.

[Sections 379A.005-379A.010 reserved for expansion]

SUBCHAPTER B. CREATION OF CORPORATION

Sec. 379A.011. CREATION. The governing body of a municipality may create a municipal development corporation under this chapter.

Sec. 379A.012. ARTICLES OF INCORPORATION. The articles of incorporation of the corporation must state that the corporation is governed by this chapter.

Sec. 379A.013. NUMBER OF CORPORATIONS. A municipality may not create more than one corporation under this chapter.

Sec. 379A.014. ADOPTION AND APPROVAL OF BYLAWS. The initial bylaws of a corporation shall be adopted by its board of directors and approved by resolution of the governing body of the municipality that created the corporation, and any subsequent changes made to the bylaws must be approved by the governing body of the municipality that created the corporation.

Sec. 379A.015. PERFORMANCE REVIEW AND ASSESSMENT. The governing body of the municipality that creates the corporation shall undertake a performance review and assessment of the corporation once every five years. Based on the performance review and assessment, the governing body of the municipality shall issue a finding of whether the corporation is satisfying the objectives set forth in this chapter.

[Sections 379A.016-379A.020 reserved for expansion]

SUBCHAPTER C. BOARD OF DIRECTORS

Sec. 379A.021. COMPOSITION AND APPOINTMENT OF BOARD. (a) Except as provided by Subsection (g), the corporation is governed by a board of 5, 7, 9, 11, 13, or 15 directors, as determined by the governing body of the municipality that created the corporation. The number of directors may not exceed the number of members, including the mayor, constituting the governing body of the municipality.

(b) The governing body of the municipality that created the corporation shall appoint the members of the board.

(c) Directors serve staggered two-year terms, with as near as possible to one-half of the members' terms expiring each year. A director serves at the will of the governing body of the municipality that created the corporation. Successor directors are appointed in the same manner as the original appointees.

(d) Each director of a corporation created by a municipality that has a population of 20,000 or more must be a resident of the municipality. Each director of a corporation created by a municipality that has a population of less than 20,000 must be a resident of the municipality or the county in which the major part of the area of the municipality is located.

(e) A person is disqualified from serving as a director if the person is an employee, officer, or member of the governing body of the municipality that created the corporation.

(f) A director may not have a personal interest in a contract executed by the corporation.

(g) In a municipality that has a population of more than one million and that creates a corporation under this chapter, the board of the corporation is composed of persons appointed to the board as required by this subsection. The governing body of the municipality shall appoint one director to the board of the corporation from each district that elects a member to the governing body of the municipality.

Sec. 379A.022. COMPENSATION. A board member is not entitled to compensation, but is entitled to reimbursement for actual and necessary expenses incurred in serving as a director.

Sec. 379A.023. MEETINGS. The board shall conduct its meetings in the municipality that created the corporation.

Sec. 379A.024. OFFICERS. The board shall appoint from its members a presiding officer, a secretary, and other officers of the corporation that the governing body of the municipality that created the corporation considers necessary.

Sec. 379A.025. ADOPTION AND APPROVAL OF BUDGET; REVIEW OF CORPORATE FINANCES. (a) The board shall prepare an annual budget for the corporation. To be effective, the budget must be approved by the board and presented to and approved by the governing body of the municipality that created the corporation. The corporation may not make any expenditure authorized by this chapter until the budget has been approved as provided by this section. An amendment of the budget must be approved in the same manner as the budget.

(b) The governing body of the municipality that created the corporation may amend the corporation's budget with the approval of at least two-thirds of the members of the governing body.

(c) The budget presented to the governing body of the municipality that created the corporation must provide a detailed description of the proposed expenditures for the corporation's fiscal year, including expenditures for each program authorized by Subchapter D.

(d) The board shall annually prepare and present financial statements from the preceding fiscal year to the governing body of the municipality that created the corporation.

(e) The governing body of the municipality that created the corporation is entitled, at all times, to access to the books and records of the corporation.

[Sections 379A.026-379A.050 reserved for expansion]

SUBCHAPTER D. POWERS OF CORPORATION

Sec. 379A.051. PROGRAMS. (a) A corporation may develop and implement programs for:

(1) job training, including long-term job training and in-training support service grants;

(2) early childhood development that prepare each child to enter school and make each child ready to learn after completing the program and that provide educational services that must include services designed to enable a child to:

(A) develop phonemic, print, and numeracy awareness, including the ability to:

(i) recognize that letters of the alphabet are a special category of visual graphics that can be individually named;

(ii) recognize a word as a unit of print;

(iii) identify at least 10 letters of the alphabet; and

(iv) associate sounds with written words;

(B) understand and use language to communicate for various purposes;

(C) understand and use an increasingly complex and varied vocabulary;

(D) develop and demonstrate an appreciation of books; and

(E) progress toward mastery of the English language, if the child's primary language is a language other than English;

(3) after-school programs for primary and secondary schools;

(4) the provision of funding to accredited postsecondary educational institutions, including public and private junior colleges, public and private institutions of higher education, and public and private technical institutions, to be used to award scholarships;

(5) the promotion of literacy; and

(6) any other undertaking that the board determines will directly facilitate the development of a skilled workforce.

(b) A corporation may accept donated property, may develop or use land, buildings, equipment, facilities, and other improvements in connection with a program described by Subsection (a), or may dispose of property or an interest in property under terms determined by the corporation.

(c) A municipality may contract with a community nonprofit organization that sponsors long-term job training and related support services.

Sec. 379A.052. GENERAL POWERS OF CORPORATION. The corporation may:

(1) own or operate a program authorized by this chapter;

(2) perform any act necessary to the full exercise of the corporation's powers;

(3) accept a grant or loan from a:

(A) department or agency of the United States;

(B) department, agency, or political subdivision of this state; or

(C) public or private person;

(4) employ any necessary personnel, who shall be employees of the municipality;

(5) adopt rules to govern the operation of the corporation and its employees and property; and

(6) contract or enter into a memorandum of understanding or a similar agreement with a public or private person, including local workforce development boards or any political subdivision, in connection with a program authorized by this chapter.

Sec. 379A.053. NATURE OF CORPORATE PROPERTY. (a) The legislature finds for all constitutional and statutory purposes that the corporation owns, uses, and holds its property for public purposes.

(b) Section 25.07(a), Tax Code, does not apply to a leasehold or other possessory interest granted by the corporation.

(c) Property owned by the corporation is exempt from taxation under Section 11.11, Tax Code, while the corporation owns the property.

Sec. 379A.054. OPEN RECORDS AND MEETINGS. The board is treated as a governmental body for the purposes of Chapters 551 and 552, Government Code.

Sec. 379A.055. ADMINISTRATION OF SCHOLARSHIP FUND. (a) In providing funds to an accredited postsecondary educational institution to be used for scholarships as authorized by Section 379A.051, the corporation by agreement with the institution shall ensure that:

(1) the funds are distributed to individuals as scholarships connected with the institution; and

(2) no more than a maximum amount, as set by the corporation, of the funds are spent on administering the award of the scholarship.

(b) An accredited postsecondary educational institution receiving the funds for scholarships shall develop, in consultation with the corporation, a plan for awarding scholarships that will have the goal of having an eventual beneficial effect on the economic growth and vitality of and the elimination of unemployment and underemployment in the municipality that created the corporation and that will ensure that the recipient:

(1) meets financial need requirements as defined by the corporation;

(2) is enrolled in an undergraduate degree or certificate program;

(3) is enrolled for at least three-fourths of a full course load for an undergraduate student, as determined by the corporation;

(4) makes satisfactory academic progress toward an undergraduate degree or certificate; and

(5) complies with any additional nonacademic requirement adopted by the corporation.

(c) If the municipality that created the corporation has established an education partnership composed of community-based organizations, school districts, public or private sector entities, or postsecondary institutions for the purpose of distributing scholarships to students of local schools, the corporation may provide funds to the education partnership to enable the partnership to award scholarships to directly facilitate the development of a skilled workforce.

[Sections 379A.056-379A.080 reserved for expansion]

SUBCHAPTER E. SALES AND USE TAX

Sec. 379A.081. SALES AND USE TAX. (a) A municipality may levy a sales and use tax for the benefit of the corporation if the tax is authorized by a majority of the voters of the municipality voting at an election called for that purpose.

(b) The ballot for an election to impose the tax shall be printed to permit voting for or against the proposition: "Adoption of a sales and use tax at the rate of _____ of one percent (insert one-eighth, one-fourth, three-eighths, or one-half, as appropriate) for the purpose of financing authorized programs of the _____ Municipal Development Corporation (insert the name of the corporation)."

(c) The adoption of the tax may be limited on the ballot to any specific program, or the tax may be adopted with general language permitting the use of the tax for any purposes authorized by this chapter.

(d) If a sales and use tax is levied, it may be adopted for a maximum of 20 years, but may then be reauthorized, subject to a payment of indebtedness. The tax may be authorized for a shorter period of time or limited to the time necessary to pay any indebtedness.

(e) The rate of a tax adopted under this section must be one-eighth, one-fourth, three-eighths, or one-half of one percent. A municipality may not adopt a sales and use tax under this chapter if the adoption of the tax under this chapter would result in a combined tax rate of all local sales and use taxes of more than two percent in any location in the municipality.

(f) Chapter 321, Tax Code, governs a municipality's imposition, computation, administration, collection, and remittance of a tax authorized by this section except as inconsistent with this chapter.

Sec. 379A.082. ELECTION TO CHANGE RATE OF TAX. (a) A municipality that has adopted a sales and use tax under this chapter at a rate of less than one-half of one percent may increase or decrease the rate of the tax if the increase or decrease is approved by a majority of the voters of the municipality voting at an election called and held for that purpose.

(b) The tax may be increased or decreased under this section in one or more increments of one-eighth of one percent, but a maximum of one-half of one percent is permitted.

(c) The ballot for an election to increase or decrease the tax shall be printed to permit voting for or against the proposition: "The _____ (increase or decrease, as appropriate) of a sales and use tax to the rate of _____ of one percent (insert one-eighth, one-fourth, three-eighths, or one-half, as appropriate) for the purpose of financing authorized programs of the _____ Municipal Development Corporation (insert the name of the corporation)."

Sec. 379A.083. IMPOSITION OF TAX. (a) If the municipality adopts the tax, a tax is imposed on the receipts from the sale at retail of taxable items in the municipality at the rate approved at the election, and an excise tax is imposed on the use, storage, or other consumption in the municipality of tangible personal property purchased, leased, or rented from a retailer during the period that the tax is effective in the municipality. The rate of the excise tax is the same as the rate of the sales tax portion of the tax and is applied to the sale price of the tangible personal property.

(b) The adoption of the tax or the change of the tax rate takes effect on the first day of the first calendar quarter occurring after the expiration of the first complete quarter occurring after the date the comptroller receives a notice of the results of the election adopting, increasing, or decreasing the tax.

[Sections 379A.084-379A.100 reserved for expansion]

SUBCHAPTER F. REPORT TO COMPTROLLER

Sec. 379A.101. REPORT REQUIRED. (a) Not later than February 1 of each year, the board of directors of the corporation shall submit to the comptroller a report in the form required by the comptroller.

(b) The reporting form may not exceed one page in length and must include:

- (1) a statement of the corporation's primary objectives;
- (2) a statement of the corporation's total revenues during the preceding fiscal year;
- (3) a statement of the corporation's total expenditures during the preceding fiscal year;
- (4) a statement of the corporation's total expenditures during the preceding fiscal year in each of the following categories:
 - (A) administration;
 - (B) personnel;
 - (C) marketing or promotion;
 - (D) direct business incentives;
 - (E) job training for the corporation's personnel;
 - (F) debt service;
 - (G) capital costs;
 - (H) programs authorized by this chapter; and
 - (I) payments to taxing units, including school districts;
- (5) a list of the corporation's capital assets, including land and buildings; and
- (6) any other information the comptroller requires to determine the use of the sales and use tax imposed under this chapter.

Sec. 379A.102. FAILURE TO FILE REPORT; ADMINISTRATIVE PENALTY.

(a) If the corporation fails to file a report in accordance with this subchapter or fails to include sufficient information in the report, the comptroller shall provide to the corporation a written notice of the failure. The written notice must include information on how to correct the failure.

(b) The comptroller may impose an administrative penalty against the corporation if the corporation does not correct the failure before the 31st day after the date the corporation receives the written notice under Subsection (a). The amount of the penalty is \$200 a day for each day the filing of the report is delinquent.

(c) The comptroller by rule shall prescribe the procedures for the imposition of an administrative penalty under this section. The rules must protect the due process rights of the corporation.

Sec. 379A.103. COMPTROLLER'S REPORT TO LEGISLATURE. (a) Not later than November 1 of each even-numbered year, the comptroller shall submit to the legislature a report on the use of the sales and use tax imposed under this chapter.

(b) On request, the comptroller shall provide without charge a copy of the report required by Subsection (a) to the corporation created under this chapter.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

The amendment was read.

Senator Van de Putte moved to concur in the House amendment to **SB 607**.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

SENATE BILL 739 WITH HOUSE AMENDMENT

Senator Wentworth called **SB 739** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 739** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the powers and duties of the board of managers of certain joint municipal and county hospitals.

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

SECTION 1. Subchapter B, Chapter 265, Health and Safety Code, is amended by adding Sections 265.017-265.020 to read as follows:

Sec. 265.017. ISSUANCE OF REVENUE BONDS. (a) The board of managers may issue and sell revenue bonds in the name of the hospital to finance:

(1) the acquisition of real property, the acquisition, construction, improvement, repair, or rehabilitation of hospital facilities, or the acquisition of equipment or supplies necessary for the hospital to provide hospital services; or

(2) the installation of equipment necessary for the hospital to provide hospital services.

(b) The board of managers has the powers of an issuer under Chapter 1371, Government Code, and may enter into a credit agreement under that chapter. A bond issued under this subchapter is an obligation under Chapter 1371, Government Code, but is not required to be rated as required by that chapter. In this subsection, "credit agreement" and "obligation" have the meanings assigned by Section 1371.001, Government Code.

(c) Bonds issued under this subchapter must be approved by:

(1) a resolution adopted by the board of managers; and

(2) a resolution or order adopted by the commissioners court of the county and the governing body of the municipality that appointed the board.

(d) At the time of issuance of the bonds, the board of managers may:

(1) determine the title of the bonds, provided the title includes the following: "Board of Managers Joint (insert county name)-(insert municipality name) Hospital Revenue Bonds";

(2) prescribe procedures for the operation and maintenance of the hospital in the proceedings authorizing issuance of the revenue bonds; and

(3) provide for the issuance of additional parity bonds or subordinate lien bonds under terms prescribed by the board of managers in the proceedings authorizing issuance of the revenue bonds.

Sec. 265.0171. REPAYMENT OF BONDS. The board of managers may provide for the payment of principal of, premium, if any, and interest on the bonds by pledging all or any part of the hospital's revenue derived from the operation of the hospital or from other sources.

Sec. 265.0172. ADDITIONAL SECURITY FOR BONDS. The bonds may be additionally secured by a deed of trust or mortgage lien on part or all of the physical properties of the hospital and rights appurtenant to those properties.

Sec. 265.0173. MATURITY. A bond issued under this subchapter must mature not later than 40 years after its date.

Sec. 265.0174. BONDS NOT PAYABLE FROM TAXES. A bond issued under this subchapter must contain the following provision: "The holder of this obligation is not entitled to demand payment of this obligation out of any money raised by taxation by (name of county) or by (name of municipality) or from any other income of the county or municipality. The board of managers of the hospital has no taxing power."

Sec. 265.0175. SALE OF BONDS. The board of managers may sell bonds issued under this subchapter at public or private sale in the manner and on the terms approved by the board.

Sec. 265.0176. REFUNDING BONDS. (a) The board of managers may refund bonds issued under this subchapter by issuing refunding bonds under terms approved by the board.

(b) All appropriate provisions of this subchapter apply to the refunding bonds. The refunding bonds shall be issued in the manner provided by this subchapter for issuing other bonds.

(c) The refunding bonds may be sold and delivered in amounts sufficient to pay the principal of and interest and any redemption premium on the bonds to be refunded, at maturity or on any redemption date.

(d) The refunding bonds may be issued to be exchanged for the bonds being refunded by them. In that case, the comptroller shall register the refunding bonds and deliver them to the holder of the bonds being refunded as approved by the board. The exchange may be made in one delivery or in installment deliveries.

Sec. 265.018. HOSPITAL PROPERTY. The board of managers may acquire, hold, or dispose of property or an interest in property. As agreed by the county and municipality, the county or municipality may hold title to hospital property, or title may be held in the name of the hospital.

Sec. 265.0181. TRANSFER OF PROPERTY. On dissolution of the board of managers, title to property held by the board or in the name of the hospital shall be transferred to the county and municipality as agreed to by the county and municipality.

Sec. 265.019. USE OF EARNINGS OR ASSETS FOR PRIVATE PURPOSES PROHIBITED. Except as reasonable compensation for services rendered or

reasonable allowance for authorized expenditures incurred on behalf of the board of managers or the hospital, the net earnings of the board or the hospital may not be used for the benefit of a private officer, board member, individual, or substantial contributor to the board of managers or the hospital. The assets of the board or the hospital may not be distributed to, divided among, be used for, accrue to, or benefit a private officer, board member, individual, or substantial contributor to the board or the hospital.

Sec. 265.020. APPLICABILITY. Sections 265.017-265.019 apply only to a hospital located in a county with a population of 75,000 or more.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2001.

The amendment was read.

Senator Wentworth moved to concur in the House amendment to **SB 739**.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Mr. President.

(President in Chair)

SENATE BILL 65 WITH HOUSE AMENDMENTS

Senator Moncrief called **SB 65** from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 65** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the regulation of telepharmacy as a method to dispense drugs.

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

SECTION 1. Subchapter C, Chapter 562, Occupations Code, is amended by adding Section 562.110 to read as follows:

Sec. 562.110. TELEPHARMACY SYSTEMS. (a) In this section, "telepharmacy system" means a system that monitors the dispensing of prescription drugs and provides for related drug use review and patient counseling services by an electronic method, including the use of the following types of technology:

- (1) audio and video;
- (2) still image capture; and
- (3) store and forward.

(b) A Class A or Class C pharmacy located in this state may provide pharmacy services, including the dispensing of drugs, through a telepharmacy system in a facility that is not at the same location as the Class A or Class C pharmacy.

(c) A telepharmacy system is required to be under the continuous supervision of a pharmacist as determined by board rule. To qualify as continuous supervision for a telepharmacy system, the pharmacist is not required to be physically present at the site

of the telepharmacy system. The pharmacist shall supervise the system electronically by audio and video communication.

(d) A telepharmacy system may be located only at a health care facility in this state that is regulated by this state or the United States.

(e) The board shall adopt rules regarding the use of a telepharmacy system under this section, including:

(1) the types of health care facilities at which a telepharmacy system may be located, which must include the following facilities:

(A) a clinic designated as a rural health clinic regulated under 42 U.S.C. Section 1395x(aa), as amended; and

(B) a health center as defined by 42 U.S.C. Section 254b, as amended;

(2) the areas that qualify under Subsection (f);

(3) recordkeeping requirements; and

(4) security requirements.

(f) A telepharmacy system may not be located in a community in which a Class A or Class C pharmacy is located as determined by board rule. If a Class A or Class C pharmacy is established in a community in which a telepharmacy system has been located under this section, the telepharmacy system may continue to operate in that community.

SECTION 2. (a) This Act takes effect September 1, 2001.

(b) Not later than February 28, 2002, the Texas State Board of Pharmacy shall adopt the rules required by Section 562.110, Occupations Code, as added by this Act. Pharmacy services may not be provided through a telepharmacy system under Section 562.110, Occupations Code, as added by this Act, until the Texas State Board of Pharmacy adopts those rules.

Floor Amendment No. 1 on Third Reading

Amend **CSSB 65**, on third reading, by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 57.042, Utilities Code, is amended by adding Subdivision (12) to read as follows:

(12) "Telepharmacy system" means a system that monitors the dispensing of prescription drugs and provides for related drug use review and patient counseling services by an electronic method, including the use of the following types of technology:

(A) audio and video;

(B) still image capture; and

(C) store and forward.

SECTION _____. Section 57.047(a)(1), Utilities Code, is amended to read as follows:

57.047. Grant and Loan Program

(a) The board may award a grant to a project or proposal that:

(1) provides equipment and infrastructure necessary for:

(A) distance learning;

(B) an information sharing program of a library; ~~or~~

(C) telemedicine services; or

(D) telepharmacy systems;

The amendments were read.

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

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on **SB 65** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Moncrief, Chair; Sibley, Carona, Bernsen, and Nelson.

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Sibley and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Business and Commerce might consider **HB 2530** today.

SENATE RULES SUSPENDED (Posting Rules)

On motion of Senator Madla and by unanimous consent, Senate Rule 11.10 and Senate Rule 11.18 were suspended in order that the Committee on Intergovernmental Relations might meet and consider the following bills today: **SB 1834**, **SB 1835**, **SJR 53**.

SENATE RULE 11.18 SUSPENDED (Posting Rule)

On motion of Senator Brown and by unanimous consent, Senate Rule 11.18 was suspended in order that the Committee on Natural Resources might consider **SCR 51** today.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolution

SR 889 by Cain, In memory of Elza Lewis Higbie, Jr., of Conroe.

Congratulatory Resolutions

SR 885 by Truan, Commending the members of the Flour Bluff Junior High School Mathcounts team.

SR 886 by Cain, Congratulating William T. Solomon of Dallas.

SR 888 by Lindsay, Congratulating Thomas William Palmer of Houston.

SR 890 by Cain, Congratulating Sanyei Bynum.

SR 891 by Cain, Congratulating Katrina Long.

SR 892 by Barrientos, Congratulating Linda Rae Kent.

SR 893 by Barrientos, Congratulating Bernadette Staudt.

SR 894 by Barrientos, Congratulating Claude W. Vaughn of Austin.

HCR 127 (Moncrief), Honoring Julie Euseppi for her outstanding service to the office of State Representative Glenn O. Lewis.

HCR 141 (Moncrief), Honoring Gloria Zuniga of Brownwood, an intern in State Representative Glenn O. Lewis's district office, for her outstanding service.

HCR 263 (Bivins), Honoring Richard L. "Rick" Crawford for his exceptional public service to the State of Texas.

Designation Resolution

SR 887 by Bivins and Harris, Recognizing May as Tick-Borne Illness Awareness Month in the State of Texas.

ADJOURNMENT

On motion of Senator Truan, the Senate at 2:05 p.m. adjourned, in remembrance of the Reverend Dr. Zan Wesley Holmes, Jr., and the Saint Luke "Community" United Methodist Church in Dallas and all other hate crime victims, until 10:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

May 3, 2001

BUSINESS AND COMMERCE — CSSB 427, SB 1122, HB 186, HB 337, HB 362, HB 935, CSHB 1066, CSHB 1103, HB 1390, CSHB 1466, HB 1768

STATE AFFAIRS — SB 32 (Amended), CSSB 853, CSSB 1132, CSSB 1366, CSSB 1809

INTERGOVERNMENTAL RELATIONS — CSHB 10, HB 1265 (Amended), CSHB 2601, CSSB 1459, CSSB 1808, CSSB 1812

EDUCATION — CSHB 3343, SJR 52

VETERAN AFFAIRS AND MILITARY INSTALLATIONS — HCR 176, HB 234, HB 310, HB 1924, HB 2908, CSHB 3567

EDUCATION — HB 108, HB 461, HB 462, HB 1011, HB 1465, HB 1532, HB 1671, HB 1799, HB 2584, HB 2864, SB 927

BUSINESS AND COMMERCE — CSHB 2345, CSHB 1891, CSHB 695, CSHB 1166

SIGNED BY GOVERNOR

May 2, 2001

SB 404, SB 199, SB 565, SB 576, SB 716, SB 813, SB 858, SB 1223

SENT TO GOVERNOR

May 3, 2001

SB 247, SB 365, SB 522, SB 523, SB 693, SB 795, SB 862, SB 1171