

# HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

SIXTY-EIGHTH DAY (CONTINUED) -- SATURDAY, MAY 8, 1999

The house met at 9 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 264).

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

Absent, Excused -- Bailey; Moreno, P.

The invocation was offered by Reverend Marion Childress-Usher, Chaplain at Hospice Austin, as follows:

As we greet this new day, O God, we give you thanks for our lives and for all the precious gifts from your bounty: our health and strength, our families and loved ones, our homes and communities, our honest work, obligations, and responsibilities. We thank you that you have given us a sense of accountability, and for those to whom we must be accountable.

Our prayer this day is that we will allow you to guide our deliberations and decisions. Steady and lead us to the path of truth and justice. May our hearts and minds be so open to your spirit that we shed all our idolatrous obsessions and act with integrity and courage and high ethical and moral purpose. Remind us and forgive us when we deny your sovereignty and become too puffed up and arrogant. Make us humble and obedient to your will and way. Enable us to move forward with grace and genuine love and respect toward one another.

Lord, we know that the people of our beloved Texas are depending on us to be good stewards of the rich resources of our state. They expect that

the wholeness and well-being of themselves and their children, and the protection of our wonderful natural resources will be our highest aim. Surround us with your shalom, we earnestly pray. Amen.

#### **LEAVES OF ABSENCE GRANTED**

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

Bailey on motion of Tillery.

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

Smithee on motion of Swinford.

(Speaker pro tempore in the chair)

#### **CONGRATULATORY AND MEMORIAL CALENDAR**

The following memorial resolutions were laid before the house:

**HCR 35** (by Wolens), In memory of the Honorable Annette Strauss.

**HCR 252** was withdrawn.

**HCR 254** (by Gallego), In memory of Chicora "Chic" Ann Lee Graham Williams.

**HR 675** (by Chavez), In memory of Sergeant Robert Michael Hankins of the Lamb County Sheriff's Department.

**HR 676** (by Chavez, Driver, Ehrhardt, Giddings, E. Reyna, et al.), In memory of Officer Ronnie Ray Lerma of the Garland Police Department.

**HR 681** (by Chavez, et al.), In memory of Deputy Rebecca Shaw of the Harris County Sheriff's Department.

**HR 682** (by Chavez, et al.), In memory of Constable Michael Eakin of the Harris County Sheriff's Department.

**HR 683** (by Chavez and Cook), In memory of Officer Tobin Thomas of the Eagle Lake Police Department.

**HR 684** (by Chavez, et al.), In memory of Officer Scott Harvick of the Mart Police Department.

**HR 685** (by Chavez), In memory of Deputy Donald Roy Stockburger of the Pecos County Sheriff's Department.

**HR 686** (by Chavez), In memory of Deputy Thomas Jay Smith of the Tarrant County Sheriff's Department.

**HR 687** (by Chavez, Ehrhardt, Giddings, George, et al.), In memory of Officer Henry Allen Brown of the Dallas Police Department.

**HR 688** (by Chavez, et al.), In memory of Officer Cuong Huy Trinh of the Houston Police Department.

**HR 689** (by Chavez, et al.), In memory of Officer Pete Johnson of the North Harris County Montgomery College Police Department.

**HR 691** (by Chavez), In memory of Lieutenant George M. Hendrix of the Tarrant County Sheriff's Department.

**HR 719** (by Gallego), In memory of Carter Monroe "Buck" Newsome.

**HR 724** (by Telford), In memory of Elridge Robertson.

**HR 728** (by Hinojosa), In memory of Margaret M. Looney of Edinburg.

**HR 740** (by Pitts), In memory of Zachary B. Bell.

**HR 752** (by Gallego), In memory of Maria Acosta Garcia of Marathon.

**HR 762** (by Alexander), In memory of T. M. Harvey of Athens.

**HR 763** (by Alexander), In memory of William Lee Bain, Jr., of Kerens.

**HR 764** (by Chavez), In memory of law enforcement officers killed in the line of duty.

**HR 768** was withdrawn.

**HR 779** (by Janek), In memory of Merle LaRue Olson.

**HR 783** (by Eiland), In memory of Umon Goff.

The resolutions were unanimously adopted by a rising vote.

The following congratulatory resolutions were laid before the house:

**HR 591** was previously adopted.

**HR 701** (by Deshotel), Recognizing June 18-20, 1999, as the Whitley Family Reunion.

**HR 702** (by J. Jones), Congratulating the Top Ladies of Distinction on the occasion of its Founders Day celebration.

**HR 714** (by George), Honoring Lake Highlands Exchange Club's April 1999 Youth of the Month: James Cheng-Ying Lee and Lisa Zsohar.

**HR 716** (by Telford, Crabb, and Chavez), Congratulating Ernesto Pedregon Martinez as the Texas State Artist for two-dimensional works for 1997-1998.

**HR 717** (by Telford, Crabb, and Chavez), Honoring Carl Rice Embrey on being named Texas State Artist in two-dimensional media for 1998-1999.

**HR 718** (by Telford Crabb and Chavez), Congratulating Edd Hayes on his selection by the Texas State Artist Committee as the winner in the three-dimensional category for 1998-1999.

**HR 721** (by J. Solis and Corte), Recognizing May 2-8, 1999, as Brain Tumor Awareness Week.

**HR 722** (by Oliveira), Honoring Dr. Rafael de la Cruz for his 50 years of service in the field of pediatric medicine.

**HR 726** (by Goolsby), Honoring Mario Messina on the 50th anniversary of his restaurant, Il Sorrento.

**HR 727** (by Goolsby), Honoring The Old Warsaw restaurant in Dallas on its 50th year of operation.

**HR 733** (by Cuellar), Congratulating Randy Blair of Laredo on being selected as Accountant Advocate of the Year by the San Antonio district office of the U.S. Small Business Administration.

**HR 734** (by Cuellar), Congratulating Ruben Garibay on being named Small Business Person of the Year by the San Antonio District Office of the U.S. Small Business Administration.

**HR 736** (by Staples), Welcoming the visiting students and faculty of Centerville Elementary School to the State Capitol.

**HR 737** (by Hope), Commending the establishment of Carl Barton, Jr., Park.

**HR 738** (by Hope), Honoring the Conroe Noon Lions Club for their contributions to the city of Conroe.

**HR 739** (by Naishtat), Recognizing October 2, 1999, as HealthExpo Day in Texas.

**HR 741** was previously adopted.

**HR 743** (by McClendon), Honoring Zarinah Shakir for her dedicated community service.

**HR 744** (by McClendon), Honoring Linda Nance as an outstanding educator and principal in San Antonio.

**HR 745** (by McClendon), Recognizing Deputy Chief Jerry Pittman of the San Antonio Police Department for his civic contributions.

**HR 746** (by McClendon), Honoring Beverly Houston for her many contributions to the city of San Antonio.

**HR 748** (by McClendon), Honoring Tommy "T. C." Calvert for his dedicated community service.

**HR 749** (by McClendon), Honoring Charles Shannon for his service to San Antonio's Eastside community.

**HR 750** (by McClendon), Honoring Raymond Todd for his outstanding scholastic achievements.

**HR 755** (by Uresti), Honoring Guadalupe de la Garza.

**HR 761** (by Eiland), Honoring Daniel B. Kulvicki for his efforts in promoting S.T.A.R. Day.

**HR 773** (by Counts), Honoring the Borden County High School Lady Coyotes basketball team for a successful 1998-1999 season.

**HR 774** (by Counts), Honoring the Borden County High School Coyotes six-man football team for an exceptional 1998 season.

**HR 781** (by Carter and Cook), Congratulating Frank Sinatra, Jr., and Cynthia White Sinatra on their recent marriage.

**HR 785** (by Naishtat), Congratulating Rabbi Kerry Baker on his installation as rabbi at Congregation Kol Halev.

**HR 786** was withdrawn.

**HR 787** was withdrawn.

**HR 793** (by Noriega), Honoring the 80th birthday of Dixie Earlene Kirkpatrick Sullivan of Houston.

**HR 795** (by Y. Davis), Honoring J. D. Hall on his retirement from the Dallas County Community College District board of trustees.

**HR 796** was previously adopted.

**HR 800** (by Zbranek), Congratulating Liberty High School senior Josh Sullivan on his appointment to the United States Air Force Academy.

**HR 801** (by Zbranek), Congratulating Travis Thornton on his appointment to the U.S. Naval Academy.

**HR 803** (by Hope), Congratulating Don Granger for his accomplishments as a teacher and coach.

**HR 804** (by Y. Davis), Congratulating Dr. Gleniece Robinson of Dallas on receiving a 1999 Women of Spirit Award.

**HR 813** was previously adopted.

**SCR 17** (Seaman - House Sponsor), Honoring Thomas L. Heffernan for his 40 years of continuous service to the Parks and Wildlife Department.

**SCR 27** (Glaze - House Sponsor), Honoring Major General and Mrs. Billie Gene Hollowell on the special occasion of their marriage.

**SCR 65** (Noriega - House Sponsor), Congratulating Jose "Cheo" Cruz, Sr., of Houston.

**HR 870 - ADOPTED**  
**(by Edwards)**

Representative Edwards moved to suspend all necessary rules to take up and consider at this time **HR 870**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 870**, Recognizing Mother's Day, May 9, 1999.

**HR 870** was read and was adopted without objection.

On motion of Representative R. Lewis, the names of all the members of the house were added to **HR 870** as signers thereof.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**  
**SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

Pursuant to House Rule 6, Section 13, the house granted unanimous consent on May 7 for bills to be added to the Local, Consent, and Resolutions Calendar. The bills will be considered after **HCR 181** on page 8 of the calendar.

**CSHB 89** (by Gutierrez), A bill to be entitled An Act relating to the delinquent registration of a motor vehicle.

**CSHB 116** (by Smith), A bill to be entitled An Act relating to judicial review of a decision by a municipal board of adjustment.

**HB 509** (by Hochberg), A bill to be entitled An Act relating to disputes concerning enforcement of deed restrictions in justice court.

**SB 183** (Alexander, et al. - House Sponsor), in lieu of **HB 631**, A bill to be entitled An Act relating to the acceptance of gifts by certain state agencies.

Representative Alexander moved to lay **HB 631** on the table subject to call.

The motion prevailed without objection.

**CSHB 656** (by Noriega, Uresti, et al.), A bill to be entitled An Act relating to the penalty for sale or delivery of a substance containing a volatile chemical to a minor.

#### **Amendment No. 1**

On behalf of Representative Y. Davis, Representative Ritter offered the following amendment to **HB 656**:

Amend **CSHB 656** as follows:

(1) In SECTION 1, in amended Section 484.005, Health and Safety Code, strike Subsection (e) and substitute a new Subsection (e) to read as follows:

(e) Except as provided by Subsection (f), an [An] offense under this section is:

(1) a Class B misdemeanor if the actor is the owner of or is an employee of a business establishment covered for the location of the sale by a sales tax permit issued under Chapter 151, Tax Code, and the offense was committed at the business establishment; or

(2) a state jail felony if the actor is any person other than a person described by Subdivision (1) who committed the offense at a business establishment described by that subdivision.

(2) In SECTION 1, in amended Section 484.005, Health and Safety Code, strike added Subsection (g) and substitute the following:

(g) Subsection (f) does not apply to an offense if:

(1) the offense was committed inside a private residence and no person younger than 18 years of age was present in the private residence at the time the offense was committed; or

(2) the actor was at the time of the offense an owner or employee described by Subsection (e)(1) and the offense was committed at a business location described by that subsection.

Amendment No. 1 was adopted without objection.

**HB 668** (by Wise), A bill to be entitled An Act relating to missing children, to the duty of law enforcement with respect to missing children, and to certain criminal offenses frequently committed against missing children.

**CSSB 643** (Wise - House Sponsor), in lieu of **CSHB 671**, A bill to be entitled An Act relating to awards for members of the state or other military forces.

**CSHB 792** (by Maxey), A bill to be entitled An Act relating to the regulation of viatical settlement agreements and life settlement agreements.

**CSHB 918** (by A. Reyna), A bill to be entitled An Act relating to the copies prepared by a district or county clerk of certain court records.

**CSHB 928** (by Junell, Thompson, and Gallego), A bill to be entitled An Act relating to the annual salary supplement paid by the state to certain county judges.

**CSHB 961** (by D. Jones), A bill to be entitled An Act relating to the right of a public employee to communicate with any elected state official; imposing a civil penalty.

**CSHB 1032** (by Pitts, Uher, Driver, and Siebert), A bill to be entitled An Act relating to parking of a motor vehicle operated by or for the transportation of a person with a disability.

#### **Amendment No. 1**

On behalf of Representative Pitts, Representative Gutierrez offered the following amendment to **CSHB 1032**:

Amend **CSHB 1032** as follows:

- (1) On page 1, strike lines 13-17 and substitute:
  - (A) white on a blue shield for a placard issued to a person with a permanent disability; or
  - (B) white on a red shield for a placard issued to a person with a temporary disability;
- (2) Strike SECTIONS 2-4 of the bill.
- (3) On page 3, line 16, strike "681.011(b) and (g)-(k)" and substitute "681.011(g)-(k)".
- (4) Strike page 3, line 18, through page 4, line 5.
- (5) On page 5, line 6, strike "Sections 1 and 2 of this Act apply" and substitute "Section 1 of this Act applies".
- (6) Strike SECTION 8 of the bill.
- (7) Renumber Sections appropriately.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Cook offered the following amendment to **CSHB 1032**:

Amend **CSHB 1032** as follows:

- (1) On page 3, strike lines 16 and 17 and substitute:  
SECTION 1. Section 681.011, Transportation Code, is amended by

amending Subsections (b) and (g)-(k) and adding Subsection (m) to read as follows:

(2) On page 5, between lines 3 and 4, insert:

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

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

(2) does not have a disability;

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

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

Amendment No. 2 was adopted without objection.

**CSHB 1078** (by J. Solis, Uresti, Capelo, Homer, Noriega), A bill to be entitled An Act relating to restoration of benefits to a fire fighter or police officer on reinstatement to a position as a result of a successful appeal of a disciplinary suspension.

**HB 1176** (by Junell), A bill to be entitled An Act relating to certain documents required to be filed with an application for probate of a foreign will.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative J. Solis, Representative Junell offered the following committee amendment to **HB 1176**:

Amend **HB 1176** by adding the following after the word "application." on line 15:

Original signatures shall not be required for recordation in the deed records pursuant to Probate Code Sections 96 through 99 or Section 107.

Amendment No. 1 was adopted without objection.

**HB 1211** (by Averitt), A bill to be entitled An Act relating to health maintenance organization plans for small employers.

**HB 1223** (by Seaman, Morrison, Uher, et al.), A bill to be entitled An Act relating to a historical artifacts program under the Texas Historical Commission. (Chisum recorded voting no)

**HB 1224** (by J. Jones), A bill to be entitled An Act relating to the requirement that alcohol awareness information be included in the curriculum of certain driver education and driving safety courses.

**CSHB 1248** (by Farrar), A bill to be entitled An Act relating to the regulation of the practice of architecture, landscape architecture, and interior design; providing administrative penalties. (Chisum, Corte, Craddick, Heflin, and Swinford recorded voting no)

**Amendment No. 1**

On behalf of Representative Y. Davis, Representative Farrar offered the following amendment to **CSHB 1248**:



Amend **CSHB 1248** as follows:

(1) On page 8, between lines 8 and 9, insert the following section, appropriately numbered, and renumber the subsequent sections accordingly:

SECTION \_\_\_\_\_. Chapter 478, Acts of the 45th Legislature, Regular Session, 1937 (Article 249a, Vernon's Texas Civil Statutes), is amended by adding Section 7A to read as follows:

Sec. 7A. (a) The Board shall deposit \$10 of each certificate of registration renewal fee collected under Section 12(c) of this Act to the credit of the scholarship fund for architectural examination applicants. The scholarship fund for architectural examination applicants is an account in the general revenue fund that may be appropriated only to the Board to:

(1) provide scholarships to persons applying under Section 6(b) of this Act for examination; and

(2) pay the Board's associated administrative costs.

(b) Interest earned on the scholarship fund for architectural examination applicants shall be credited to the fund.

(c) The Board may not use more than 15 percent of the amount appropriated to the Board under Subsection (a) of this section to pay the Board's administrative costs.

(d) The amount of each scholarship is the lesser of \$500 or the fee prescribed by the Board for the examination.

(e) The legislature finds that a public purpose of the state is served by the scholarships awarded under this section by:

(1) promoting the professional needs of the state;

(2) increasing the number of highly trained and educated registered architects available to serve the residents of the state;

(3) improving the state's business environment and encouraging economic development; and

(4) identifying, recognizing, and supporting outstanding applicants who plan to pursue careers in architecture.

(f) The Board shall establish and administer scholarships in a manner that the Board determines best serves the public purpose of the scholarships. In determining what best promotes the public purpose, the Board shall consider at a minimum the financial need of each person applying for a scholarship under this section.

(g) The Board shall adopt rules as necessary for the administration of this section.

(2) On page 11, line 3, between "costs" and the period, insert "plus \$10".

Amendment No. 1 was adopted without objection.

**CSHB 1265** (by McClendon), A bill to be entitled An Act relating to the penalty for trespassing onto a Superfund site.

**SB 478** (George, et al. - House Sponsor), in lieu of **HB 1306**, A bill to be entitled An Act relating to filing of financing statements and certain other filings with the secretary of state.

Representative George moved to lay **HB 1306** on the table subject to call.

The motion prevailed without objection.

**LEAVE OF ABSENCE GRANTED**

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

Giddings on motion of Hodge.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR  
(consideration continued)**

**HB 1333** (by Hardcastle and Woolley), A bill to be entitled An Act relating to the time limit regarding a protest for potential chargebacks under the unemployment compensation system.

**HB 1337** (by Uresti), A bill to be entitled An Act relating to evidence of domestic violence in the appointment of a managing conservator for a child.

**HB 1353** (by Deshotel, et al.), A bill to be entitled An Act relating to certain information used for emergency management and disaster services.

**HB 1374** (by Gallego), A bill to be entitled An Act relating to contracts executed by and the election of the board of directors of the Val Verde County Hospital District.

**HB 1542** (by Keffer), A bill to be entitled An Act relating to purchasing requirements for school districts and junior college districts.

**CSHB 1583** (by J. Jones), A bill to be entitled An Act relating to the confidentiality of certain juvenile records or files.

**HB 1586** (by Naishtat), A bill to be entitled An Act relating to the coverage by long-term care insurance policies of the parents of an insured or the parents of the spouse of an insured.

**HB 1606** (by Thompson), A bill to be entitled An Act relating to the assignment of visiting judges in certain county courts.

**HB 1607** (by Thompson), A bill to be entitled An Act relating to the assignment of a statutory probate court judge to hear a contested probate matter.

**HB 1627** (by Maxey), A bill to be entitled An Act relating to certain requirements for insurers that contract with municipalities.

**HB 1827** (by Hochberg, Coleman), A bill to be entitled An Act relating to information to be included on a driver's license.

**HB 1829** (by Farabee), A bill to be entitled An Act relating to membership in the Texas Property and Casualty Insurance Guaranty Association; and declaring an emergency.

**CSHB 1833** (by Counts), A bill to be entitled An Act relating to the issuance of a personal identification certificate to a justice of the peace or municipal court judge by the Department of Public Safety.

**CSHB 1864** (by Capelo, Oliveira, Chavez, Van de Putte, and Uresti), A bill to be entitled An Act relating to the study and development of outreach and education programs for promotoras or community health workers under which community residents provide public health education services.

**HB 2019** (by Staples), A bill to be entitled An Act relating to the conveyance of certain state-owned real property in Cherokee County to the City of Rusk.

**HB 2021** (by Janek), A bill to be entitled An Act relating to the requirements for purchasing in school districts that adopt site-based decision-making plans.

**HB 2047** (by Wise, Janek, Hamric, and Bonnen), A bill to be entitled An Act relating to the creation of an offense prohibiting the covert visual recording of another for an improper sexual purpose and to certain consequences on conviction of that offense.

**CSHB 2140** (by Williams, Marchant, and Craddick), A bill to be entitled An Act relating to the tax on motor vehicles purchased or leased outside this state and brought into this state by new residents.

**CSHB 2164** (by Naishtat), A bill to be entitled An Act relating to the appointment of a guardian for certain incapacitated minors.

**CSHB 2165** (by Naishtat), A bill to be entitled An Act relating to guardianships for incapacitated persons.

**CSHB 2166** (by Naishtat), A bill to be entitled An Act relating to the appointment of successor guardians for wards of guardianship programs or governmental entities serving as guardians.

**CSHB 2201** (by Tillery), A bill to be entitled An Act relating to the authority of a municipal court judge to sit for another municipal court judge under certain circumstances.

**CSHB 2252** (by Eiland), A bill to be entitled An Act relating to commercial windstorm insurance rates.

**CSHB 2253** (by Eiland), A bill to be entitled An Act relating to the operation of the catastrophe reserve trust fund.

**HB 2274** (by Keel), A bill to be entitled An Act relating to the administration, powers, duties, operation and financing of Wells Branch Municipal Utility District in Travis and Williamson Counties.

**CSHB 2300** (by Hunter), A bill to be entitled An Act relating to the publication by the Texas Board of Professional Engineers of a roster of engineers.

**HB 2307** (by Keffer), A bill to be entitled An Act relating to assistance to certain low-performing public school districts.

**CSHB 2408** (by Hill), A bill to be entitled An Act relating to notice to tenants of certain changes in policy by a landlord.

**HB 2421** (by Uresti), A bill to be entitled An Act relating to the accrual of interest on delinquent child support.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Pickett, Representative Uresti offered the following committee amendment to **HB 2421**:

Amend **HB 2421** as follows:

(1) On page 1, line 8, after "for" strike "one month" and substitute "a fifteen day period"

(2) On page 1, line 19, after "effect" strike "September 1, 1999" and substitute "January 1, 2001"

Amendment No. 1 was adopted without objection.

**CSHB 2429** (by T. King), A bill to be entitled An Act relating to the method used by the comptroller of public accounts to pay vendors and other persons.

**HB 2452** was withdrawn and, pursuant to Rule 6, Section 24, of the House Rules, was returned to the Committee on Calendars.

**CSHB 2543** (by McCall), A bill to be entitled An Act relating to settlement of a claim for a tax penalty or interest on a tax.

**CSHB 2585** (by Woolley), A bill to be entitled An Act relating to the substitution of and equivalency for the single currency of the European Union in certain contracts, securities, and instruments.

**CSHB 2621** (by Palmer), A bill to be entitled An Act relating to the installation of asbestos in public buildings; providing penalties.

**HB 2765** (by J. Moreno), A bill to be entitled An Act relating to amending the law regarding determinations of mental competency in the prosecution of criminal cases to correct certain references to other laws.

**HB 2787** (by Eiland and Gray), A bill to be entitled An Act relating to the consideration of the location of a bidder's principal place of business in the award of contracts by certain local governments.

**CSHB 2806** (by Garcia), A bill to be entitled An Act relating to establishing a mentoring program at the University of North Texas.

**CSHB 2819** (by Hunter) A bill to be entitled An Act relating to the designation of the interchange at U.S. Highways 83 and 84, and Loop 322 in Abilene as the Sam Waldrop Highway Interchange.

**CSHB 2879** (by Chavez), A bill to be entitled An Act relating to creating an offense for transporting an individual under certain circumstances.

**HB 2944** (by Ellis), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to the Board of Regents of the Texas State University System.

**CSHB 3001** (by Hartnett), A bill to be entitled An Act relating to authorizing certain trusts to convert to nonprofit corporations.

**CSHB 3002** (by Seaman), A bill to be entitled An Act relating to designating the ferry landing at Port Aransas as the Melvin O. Littleton Ferry Landing.

**CSHB 3011** (by Hochberg), A bill to be entitled An Act relating to the funding and operation of the Harris County Psychiatric Center.

**SB 712** (McClendon - House Sponsor), in lieu of **HB 3015**, A bill to be entitled An Act relating to requiring manufactured home rental communities to comply with county infrastructure regulations.

Representative Walker moved to lay **HB 3015** on the table subject to call.

The motion prevailed without objection.

**CSHB 3028** (by Dutton), A bill to be entitled An Act relating to management of property recovered in a suit for the benefit of a minor or incapacitated person.

**CSHB 3028** was deferred until the end of the calendar.

**CSHB 3120** (by Chisum), A bill to be entitled An Act relating to the duties and salary of the county attorney of Carson County.

**HB 3176** (by P. King), A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of Parker County.

**HB 3191** (by J. Moreno), A bill to be entitled An Act relating to the imposition of a criminal penalty for a violation of a rule concerning the use of county parks.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Swinford, Representative J. Moreno offered the following committee amendment to **HB 3191**:

Amend **HB 3191**:

(1) On page 1, line 12, strike "board rule" and substitute "rule approved by the commissioners court".

(2) On page 1, between lines 13 and 14, insert new Subsection (c) to read as follows:

"(c) Fines collected under Subsection (b) shall be deposited in the county's general fund."

Amendment No. 1 was adopted without objection.

**HB 3300** (by Coleman and Danburg), A bill to be entitled An Act relating to limits on eminent domain and a code of conduct for sports and community venue districts in certain populous counties.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Danburg, Representative Coleman offered the following committee amendment to **HB 3300**:

Amend **HB 3300** as follows:

(1) On page 1, strike lines 7 through 9, and substitute:

Sec. 335.0711. LIMIT ON POWER TO OWN OR ACQUIRE REAL PROPERTY IN CERTAIN DISTRICTS. (a) In this section:

(1) "Facility site" means a site for:

- (2) On page 1, line 10, strike "(1)" and substitute "(A)".
- (3) On page 1, line 12, strike "(A)" and substitute "(i)".
- (4) On page 1, line 17, strike "(B)" and substitute "(ii)".
- (5) On page 1, line 19, strike "(2)" and substitute "(B)".
- (6) On page 1, between lines 22 and 23, insert:

(2) "Real property" includes an arena, coliseum, stadium, facility site, and related infrastructure.

(3) "Related infrastructure" means a store, restaurant, on-site hotel, concession, automobile parking facility, road, street, water or sewer facility, or other on-site improvement that relates to and enhances the use, value, or appeal of a venue.

(7) On page 2, strike lines 1 through 4, and substitute:

(c) A district may not own or acquire real property by eminent domain or any other method unless:

(1) the property is for a facility site or related infrastructure as part of an approved venue project in existence as of April 1, 1999; and

(2) the governing bodies of the municipality and county by resolution or order approve the acquisition.

(8) On page 2, between lines 10 and 11, insert:

(1) "Code of conduct" means the rules adopted by a board under Section 335.104.

(9) On page 2, line 11, strike "(1)" and substitute "(2)".

(10) On page 2, line 12, strike "(2)" and substitute "(3)".

(11) Strike page 2, line 25, through page 3, line 10, and substitute:

Sec. 335.104. CREATION OF CODE OF CONDUCT; DISTRIBUTION.

(a) The board by rule shall adopt and maintain a code of conduct that establishes the general duties of directors and employees of the district and specific rules for directors, employees, and vendors. The code of conduct must include:

(1) information regarding a person's duties relating to the standards of conduct for a government officer or employee;

(2) a summary of and citation to the laws applicable to the conduct of a district officer, employee, or vendor, including a copy of the text of this subchapter;

(3) disclosure requirements for directors, employees, and vendors; and

(4) a summary of penalties provided by this subchapter and other law.

(b) The presiding officer of the board shall provide to directors, employees, and vendors, as often as necessary, the code of conduct created under this section.

(12) On page 4, strike lines 11 through 13.

(13) On page 4, line 14, strike "(e)" and substitute "(d)".

(14) On page 4, line 19, strike "(f)" and substitute "(e)".

(15) On page 4, line 20, strike "void" and substitute "voidable".

(16) On page 4, line 22, strike "void" and substitute "voidable".

(17) On page 5, line 20, between "and" and "a", insert "requires disclosure for".

Coleman offered the following committee amendment to **HB 3300**:

Amend **HB 3300** as follows:

(1) On page 7, between lines 7 and 8, insert:

SECTION 3. Section 335.031(c), Local Government Code, is amended to read as follows:

(c) Directors serve staggered two-year terms. A director may be removed by the appointing person [~~mayor or county judge~~] at any time without cause. Successor directors are appointed in the same manner as the original appointees.

SECTION 4. Section 335.034, Local Government Code, is amended to read as follows:

Sec. 335.034. OFFICERS. Except as provided by Section 335.035, the [The] presiding officer is designated as provided by the concurrent order. The board shall designate from the members of the board a secretary and other officers the board considers necessary.

SECTION 5. Subchapter C, Chapter 335, Local Government Code, is amended by adding Section 335.035 to read as follows:

Sec. 335.035. ADDITIONAL REQUIREMENTS FOR BOARD OF DISTRICT CREATED IN POPULOUS COUNTY. (a) This section applies only to the board of a district located in a county with a population of 2.4 million or more.

(b) The mayor of each municipality and the commissioners court of each county that create the district shall appoint an equal number of directors in accordance with the orders creating the district and Section 335.031. An appointment of a director by a mayor must be confirmed by a majority vote of the governing body of the municipality.

(c) The mayors of the municipalities and the commissioners courts of the counties that create the district shall appoint a presiding officer by concurrent orders on or before the 30th day after the date a vacancy occurs in the presiding officer's position. The appointment must be confirmed by a majority vote of the governing body of each municipality. The presiding officer serves for a two-year term.

(d) If the mayors and the commissioners courts fail to agree on the appointment of a presiding officer under Subsection (c), the board shall appoint, from the district's directors, a presiding officer by a majority vote at the first board meeting that follows the 30-day period described by Subsection (c). The confirmation requirement of Subsection (c) does not apply to an appointment of a presiding officer under this subsection.

(e) A presiding officer appointed under Subsection (d) shall resign as a director before serving as presiding officer. The vacancy created by the resignation is filled by the authority that appointed the director. The appointed director serves for the remainder of the vacated term.

(f) Section 335.031(b) does not apply to a district located in a county with a population of 2.4 million or more.

(2) On page 7, between lines 15 and 16, insert:

(c) The change in law made by Section 335.035, Local Government Code, as added by this Act, applies only to an appointment of a director or presiding officer to the board of a venue district on or after the effective date of this Act. An appointment of a director or presiding officer to the board of a venue district before the effective date of this Act is governed by the

law in effect immediately before the effective date, and that law is continued in effect for that purpose.

(3) Renumber the subsequent sections of the bill appropriately.

Amendment No. 2 was adopted without objection.

**SB 1857** (McClendon - House Sponsor), in lieu of **HB 3334**, A bill to be entitled An Act relating to the study of barriers to the binational exchange of health information.

Representative Maxey moved to lay **HB 3334** on the table subject to call.

The motion prevailed without objection.

**HB 3381** (by Hilderbran), A bill to be entitled An Act relating to the regulation of drinking water at certain youth camps.

**SB 1480** (Y. Davis, et al. - House Sponsors), in lieu of **HB 3422**, A bill to be entitled An Act relating to the sharing of revenue among a municipality and other municipalities that jointly operate an airport in the territory of the municipality.

Representative Y. Davis moved to lay **HB 3422** on the table subject to call.

The motion prevailed without objection.

**HB 3425** (by Najera), A bill to be entitled An Act relating to eligibility for the Texas Legislative Medal of Honor.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Hunter, Representative Najera offered the following committee amendment to **HB 3425**:

Amend **HB 3425** by: striking the word "a" on line 15 following the word "to" and replacing it with the word "any"; striking the words "if the person" on lines 16 and 17 following the word "Honor"; and striking lines 18 through 20.

Amendment No. 1 was adopted without objection.

**HB 3433** (by Delisi), A bill to be entitled An Act relating to dismissal of certain traffic offenses occurring in a construction or maintenance work zone.

**CSHB 3442** (by Isett), A bill to be entitled An Act relating to a Texas Historical Commission program for the identification and preservation of abandoned cemeteries. (Chisum recorded voting no)

**CSHB 3449** (by Gutierrez), A bill to be entitled An Act relating to payment of unemployment compensation tax contributions by certain employers engaged in agriculture.

**CSHB 3458** (by Kuempel), A bill to be entitled An Act relating to certain bonds required of a county tax assessor-collector.

**CSHB 3469** (by Olivo), A bill to be entitled An Act relating to certain county and public health district fees regarding certain food establishments. (Bonnen and Hope recorded voting no)



**CSHB 3551** (by Giddings), A bill to be entitled An Act relating to disposition of proceeds from read to succeed license plates.

**HB 3632** (by Naishtat), A bill to be entitled An Act relating to trustees of certain trusts.

**CSHB 3704** (by Shields), A bill to be entitled An Act relating to the requirement for the name, address and phone number of the bondsman to appear on the face of performance and payment bonds.

**CSHB 3736** (by Eiland), A bill to be entitled An Act relating to the applicability of procedures governing restrictive covenants in certain residential subdivisions.

**CSHB 3738** (by Eiland), A bill to be entitled An Act relating to counties authorized to create coastal county conservation districts.

**CSHB 3746** (by Dukes), A bill to be entitled An Act relating to the replatting of a part of a subdivision.

**HB 3762** (by Gallego), A bill to be entitled An Act relating to granting college credit for completion of the Texas Youth Commission resocialization program.

**HB 3775** (by Olivo), A bill to be entitled An Act relating to the persons a justice of the peace may order to take a specimen of blood from the body of a person who died in a vehicle accident.

**CSHB 3809** (by R. Lewis), A bill to be entitled An Act relating to the release of extraterritorial jurisdiction of certain municipalities.

**HB 3815** (by Gray), A bill to be entitled An Act relating to the composition of the Galveston County Juvenile Board.

**HB 3816** (by Cook), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Wharton County Groundwater Conservation District.

**Amendment No. 1 (Committee Amendment No. 1)**

Representative Cook offered the following committee amendment to **HB 3816**:

Amend **HB 3816** as follows:

1) On page 1, line 3, and page 1, line 7, and page 1, line 16, strike "Wharton County" and substitute "Coastal Bend"

2) On page 2, line 1, delete the designation of subsection "(a)" and on page 2, strike subsection (b) in its entirety.

3) On page 2, line 12, add a new Section 6 as follows" "PURPOSES. The district is created to accomplish the following purposes:

(1) to protect and preserve groundwater for the benefit of the district;

(2) to assess and deter groundwater contamination;

(3) to assess groundwater levels throughout the district;

(4) to promote water conservation where and when conditions indicate; and

(5) to create and periodically update a water management plan for the district that meets or exceeds the requirements of the Texas Natural Resource Conservation Commission;" and renumber subsequent Sections appropriately.

Amendment No. 1 was adopted without objection.

**HB 3821** (by Salinas), A bill to be entitled An Act relating to the creation of a juvenile board in Duval County.

**HB 3832** (by Delisi), A bill to be entitled An Act relating to the composition of the Bell County Juvenile Board.

**HB 3835** (by Staples), A bill to be entitled An Act relating to the creation, administration, powers, duties, operations, and financing of the Robertson-Brazos County Groundwater Conservation District.

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Counts, Representative Staples offered the following committee amendment to **HB 3835**:

Amend **HB 3835**, on page 3, line 10, by inserting the following after the word "Code," and before the word "is": "including wells used for dewatering and monitoring in the production of coal and lignite."

Amendment No. 1 was adopted without objection.

**Amendment No. 2 (Committee Amendment No. 2)**

On behalf of Representative Counts, Representative Staples offered the following committee amendment to **HB 3835**:

Amend **HB 3835**, on page 4, line 25, by inserting the following after the word "water" and before the word "users": "supply and agricultural water".

Amendment No. 2 was adopted without objection.

**Amendment No. 3 (Committee Amendment No. 3)**

On behalf of Representative Counts, Representative Staples offered the following committee amendment to **HB 3835**:

Amend **HB 3835**, on page 5, lines 18-19, by striking Subsection (b) of SECTION 9 of the bill and relettering the subsequent subsections appropriately.

Amendment No. 3 was adopted without objection.

**Amendment No. 4 (Committee Amendment No. 4)**

On behalf of Representative Counts, Representative Staples offered the following committee amendment to **HB 3835**:

Amend **HB 3835** as follows:

(1) On page 1, line 3, strike "Robertson-Brazos County" and substitute "Brazos Valley".

(2) On page 1, line 7, strike "Robertson-Brazos County" and substitute "Brazos Valley".

(3) On page 1, line 16, strike "Robertson-Brazos County" and substitute "Brazos Valley".

(4) On page 6, line 12, strike "Robertson-Brazos County" and substitute "Brazos Valley".

Amendment No. 4 was adopted without objection.

**HB 3847** (by Ritter), A bill to be entitled An Act relating to powers and duties of the Jefferson County Drainage District No. 7.

**CSHCR 109** (by Chavez, P. Moreno, Haggerty, Pickett, and Najera), Declaring El Paso the Sun Capital of Texas.

**HCR 141** (by J. F. Solis), Memorializing congress to maintain their commitment to the veterans of America.

**HCR 181** (by Madden and McCall), Designating Plano as the Hot Air Balloon Capital of Texas.

**HB 87** (by Gutierrez), A bill to be entitled An Act relating to restricting written reports required of public school classroom teachers. (Chisum, Christian, Craddick, Heflin, Keffer, and Swinford recorded voting no)

**Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Hochberg, Representative Gutierrez offered the following committee amendment to **HB 87**:

Amend **HB 87** as follows:

(1) On page 1, line 23, strike "or".

(2) On page 2, line 2, between "teacher" and the period, insert the following:

; or

(8) any other report directly related to the professional duties of a classroom teacher

Amendment No. 1 was adopted without objection.

**CSHB 90** (by Driver, Solomons, Carter, B. Turner, and Junell), A bill to be entitled An Act relating to graduated driver's licensing.

**HB 652** (by Berman), A bill to be entitled An Act relating to the application of the sales tax to certain eating utensils.

**CSHB 817** (by J. Jones), A bill to be entitled An Act relating to regulation of cemeteries.

**CSHB 1058** (by Craddick), A bill to be entitled An Act relating to limiting the liability of a municipality for certain recreational activities.

**CSHB 1453** (by Smith), A bill to be entitled An Act relating to coverage under a title insurance policy issued with respect to residential real property.

**HB 1968** (by Van de Putte), A bill to be entitled An Act relating to the powers and duties of peace officers commissioned by certain hospital districts.

**CSHB 2172** (by Luna and Hochberg), A bill to be entitled An Act relating to school district compliance with special education laws.

**CSHB 2547** (by Williams), A bill to be entitled An Act relating to the operation of the Geo-Technology Research Institute.

**HB 2761** was withdrawn.

**CSHB 2840** (by Keffer and Christian), A bill to be entitled An Act relating to the definition of "assistance organization" for purposes of state surplus and salvage property.

**CSHB 2977** (by Hamric), A bill to be entitled An Act relating to the authority of the Texas Natural Resource Conservation Commission to certify that the discharge of a pollutant will not cause a violation of certain water quality standards under the Federal Water Pollution Control Act.

**Amendment No. 1**

On behalf of Representative Cook, Representative Hamric offered the following amendment to **CSHB 2977**:

Amend **HB 2977** (House committee report) as follows:

(1) On page 2, line 13, between "LAND." and "A" insert "(a)".

(2) On page 2, between lines 21 and 22, insert the following:

(b) A district may not acquire land under this subchapter by the power of eminent domain.

Amendment No. 1 was adopted without objection.

**HB 3467** (by Pickett, Oliveira, J. Solis, Flores, and Cuellar), A bill to be entitled An Act relating to the disposition of the proceeds of fines collected for overweight vehicles.

**CSHB 3549** (by Heflin), A bill to be entitled An Act relating to the administration and collection of ad valorem taxes and certain local standby fees.

**Amendment No. 1**

On behalf of Representative Gutierrez, Representative Heflin offered the following amendment to **CSHB 3549**:

Amend **CSHB 3549**, at the end of the bill, by adding a new SECTION 47 to read as follows:

SECTION 47. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Amendment No. 1 was adopted without objection.

**HB 3806** (by Walker), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Trans-Pecos Groundwater Conservation District.

**SB 1388** (Dutton - House Sponsor), in lieu of **HB 3028**, A bill to be entitled An Act relating to management of property recovered in a suit for

the benefit of a minor or incapacitated person.

Representative Dutton moved to lay **HB 3028** on the table subject to call.

The motion prevailed without objection.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Higher Education, Subcommittee on **HB 2528**, on adjournment today, Desk 118, for a formal meeting, to consider **HB 2528**.

#### **ADJOURNMENT**

Representative Zbranek moved that the house adjourn until 10:55 a.m. today.

The motion prevailed without objection.

The house accordingly, at 10:42 a.m., adjourned until 10:55 a.m. today.

# HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

SIXTY-NINTH DAY — SATURDAY, MAY 8, 1999

The house met at 10:55 a.m. and was called to order by the speaker pro tempore

The roll of the house was called and a quorum was announced present (Record 265)

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

Absent, Excused — Bailey; Giddings; Moreno, P.; Smithee

Absent — Oliveira

### **LEAVES OF ABSENCE GRANTED**

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

### **RULES SUSPENDED**

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

The motion prevailed without objection.

### **MOTION FOR ONE RECORD VOTE**

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

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR  
THIRD READING**

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

**HB 89**

**HB 116**

**SB 183**

**HB 656**

**HB 668**

**HB 792**

**HB 918**

**HB 961**

**HB 1032**

**HB 1078**

**HB 1176**

**HB 1211**

**HB 1248** (Chisum, Corte, Craddick, Heflin, and Swinford - no)

**HB 1265**

**HB 1333**

**HB 1337**

**HB 1374**

**HB 1586**

**HB 1606**

**HB 1627**

**HB 1833**

**HB 1864**

**HB 2047**

**HB 2140**

**HB 2164**

**HB 2165**

**HB 2166**

**HB 2201**

**HB 2252**

**HB 2253**

**HB 2408**

**HB 2421**

**HB 2543**

**HB 2621**

**HB 2879**

**HB 2944**

**HB 3001**

**HB 3002**

**HB 3011**

**SB 712**

**SB 1388**

**HB 3120**

**HB 3191**

**HB 3300**

**SB 1857**

**HB 3425**

**HB 3433**

**HB 3449**

**HB 3551**

**HB 3632**

**HB 3736**

**HB 3775**

**HB 3809**

**HB 3815**

**HB 3821**

**HB 3832**

**HB 3847**

**HB 90**

**HB 1058**

**HB 1453**

**HB 1968**

**HB 2840**

**HB 3467**



**HB 3549****HB 3806**

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by (Record 266): 143 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following bill number).

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

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

Absent, Excused — Bailey; Giddings; Moreno, P.; Smithee.

Absent — Oliveira.

**HB 509** (143-0-2)

**SB 643** (143-0-2)

**HB 928** (143-0-2)

**HB 1223** (Chisum - no) (142-1-2)

**HB 1224** (143-0-2)

**SB 478** (143-0-2)

**HB 1353** (143-0-2)

**HB 1542** (143-0-2)

**HB 1583** (143-0-2)

**HB 1607** (143-0-2)

**HB 1827** (143-0-2)

**HB 1829** (143-0-2)

- HB 2019** (143-0-2)  
**HB 2021** (143-0-2)  
**HB 2274** (143-0-2)  
**HB 2300** (143-0-2)  
**HB 2307** (143-0-2)  
**HB 2429** (143-0-2)  
**HB 2585** (143-0-2)  
**HB 2765** (143-0-2)  
**HB 2787** (143-0-2)  
**HB 2806** (143-0-2)  
**HB 2819** (143-0-2)  
**HB 3176** (143-0-2)  
**HB 3381** (143-0-2)  
**SB 1480** (143-0-2)  
**HB 3442** (Chisum - no) (142-1-2)  
**HB 3458** (143-0-2)  
**HB 3469** (Bonnen and Hope - no) (141-2-2)  
**HB 3704** (143-0-2)  
**HB 3738** (143-0-2)  
**HB 3746** (143-0-2)  
**HB 3762** (143-0-2)  
**HB 3816** (143-0-2)  
**HB 3835** (143-0-2)  
**HB 87** (Chisum, Christian, Craddick, Heflin, Keffer and Swinford - no)  
(137-6-2)  
**HB 652** (143-0-2)  
**HB 817** (143-0-2)  
**HB 2172** (143-0-2)  
**HB 2547** (143-0-2)  
**HB 2977** (143-0-2)

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

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

**HR 881 - ADOPTED**  
**(by Capelo)**

Representative Capelo moved to suspend all necessary rules to take up and consider at this time **HR 881**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 881**, Commemorating the Nueces County Community Services division for its celebration of National Older American Month.

**HR 881** was adopted without objection.

**PROVIDING FOR A LOCAL, CONSENT,  
AND RESOLUTIONS CALENDAR**

Representative Y. Davis moved to set a local, consent, and resolutions calendar for 10 a.m. Tuesday, May 11.

The motion prevailed without objection.

(Speaker in the chair)

**POSTPONED BUSINESS**

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

**SB 1153 ON SECOND READING**  
**(Eiland - House Sponsor)**

**SB 1153**, A bill to be entitled An Act relating to fraternal benefit societies.

**SB 1153** was considered in lieu of **CSHB 1089**.

**SB 1153** was read second time and was passed to third reading.

**CSHB 1089 - LAID ON THE TABLE SUBJECT TO CALL**

Representative Eiland moved to lay **CSHB 1089** on the table subject to call.

The motion prevailed without objection.

**MAJOR STATE CALENDAR**  
**HOUSE BILLS**  
**THIRD READING**

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

**HB 2896 ON THIRD READING**  
**(by Coleman, Dunnam, Hodge, and McClendon)**

**HB 2896**, A bill to be entitled An Act relating to the administration and operation of the state Medicaid program.

**Amendment No. 1**

Representative Coleman offered the following amendment to **HB 2896**:

Amend the second reading engrossment of **HB 2896** as follows:

(1) Strike page 2, line 24, through page 4, line 9 and substitute the following:

(a) In providing health care services through Medicaid managed care to recipients in a health care service region, the commission shall contract with a [at least one] managed care organization in that region that is licensed under the Texas Health Maintenance Organization Act (Chapter 20A, Vernon's Texas Insurance Code to provide health care in that region and that is:

(1) wholly owned and operated by a hospital district in that region;

(2) created by a nonprofit corporation that:

(A) has a contract, agreement, or other arrangement with a hospital district in that region or with a municipality in that region that owns a hospital licensed under Chapter 241, Health and Safety Code, and has an obligation to provide health care to indigent patients; and

(B) under the contract, agreement, or other arrangement, assumes the obligation to provide health care to indigent patients and leases, manages, or operates a hospital facility owned by the hospital district or municipality; or

(3) created by a nonprofit corporation that has a contract, agreement, or other arrangement with a hospital district in that region under which the nonprofit corporation acts as an agent of the district and assumes the district's obligation to arrange for services under the Medicaid expansion for children as authorized by Chapter 444, Acts of the 74th Legislature, Regular Session, 1995.

(e) In providing health care services through Medicaid managed care to recipients in a health care service region, with the exception of the Harris service area for the STAR Medicaid managed care program, as defined by the commission as of the initial implementation date for that service area, the commission shall also contract with a managed care organization in that region that holds a certificate of authority as a health maintenance organization under Section 5, Texas Health Maintenance Organization Act (Article 20A.05, Vernon's Texas Insurance Code), and that:

(1) is certified under Section 5.01 (a), Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes);

(2) is created by The University of Texas Medical Branch at Galveston; and

(3) has obtained a certificate of authority as a health maintenance organization to serve one or more counties in that region from the Texas Department of Insurance before September 2, 1999.

(2) On page 14, after line 27, insert the following:

(d) Subsection (b) applies only to a managed care organization with respect to Medicaid managed care pilot programs, Medicaid behavioral health pilot programs, and Medicaid Star + Plus pilot programs implemented in a health care service region after June 1, 1999.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Haggerty offered the following amendment to **HB 2896**:

Amend **HB 2896** on third reading.

Sec 533.0056

Delete (a) The commission may not implement more than one state administered managed care model in a health care service region.

Amendment No. 2 was adopted without objection.

A record vote was requested.

**HB 2896**, as amended, was passed by (Record 267): 142 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Giddings; Moreno, P.; Smithee.

Absent — Howard; Oliveira; Wohlgemuth.

**MAJOR STATE CALENDAR  
SENATE BILLS  
THIRD READING**

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

**SB 39 ON THIRD READING  
(Naishtat, Gallego, and Dutton - House Sponsors)**

**SB 39**, A bill to be entitled An Act relating to jury instructions and charges in capital cases.

**SB 39** was passed.

**SB 1308 ON THIRD READING  
(Counts - House Sponsor)**

**SB 1308**, A bill to be entitled An Act relating to approval of water quality management plans by the Texas Natural Resource Conservation Commission.

A record vote was requested.

**SB 1308** was passed by (Record 268): 143 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Giddings; Moreno, P.; Smithee.

Absent — Gutierrez; Oliveira.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 954 ON THIRD READING  
(by Uher and Bonnen)**

**HB 954**, A bill to be entitled An Act relating to the requirement that a taxing unit proposing to increase the unit's tax rate hold a public hearing on the proposal.

**Amendment No. 1**

Representative Smith offered the following amendment to **HB 954**:

Amend **HB 954** on third reading, (second reading engrossment) as follows:

(1) On page 4, line 1, following the words "Section 26.06" add and Section 26.065.

Amendment No. 1 was adopted without objection.

**HB 954**, as amended, was passed. (Berman, Denny, Keel, Shields, and Talton recorded voting no)

**HB 2706 ON THIRD READING  
(by Gallego)**

**HB 2706**, A bill to be entitled An Act relating to eligibility for workers' compensation benefits for certain persons who provide volunteer services in a declared emergency.

**Amendment No. 1**

Representative Gallego offered the following amendment to **HB 2706**:

Amend **HB 2706** on third reading by striking Sections 2 and 3 of the bill and substituting the following:

**SECTION 2.** This Act takes effect immediately and applies only to a claim for workers' compensation benefits based on a compensable injury that occurs on or after that date. A claim based on a compensable injury that occurs before the effective date of this Act is governed by the law in effect on the date the injury occurred, and the former law is continued in effect for that purpose.

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

Amendment No. 1 was adopted without objection.

A record vote was requested.

**HB 2706**, as amended, was passed by (Record 269): 123 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Coleman; Cook; Counts; Cuellar; Danburg; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hunter; Hupp; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Marchant; Maxey; McCall; McClendon; McReynolds; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Berman; Clark; Corte; Crabb; Craddick; Crownover; Culberson; Denny; Green; Hartnett; Heflin; Hope; Howard; Isett; Madden; Merritt; Seaman; Shields; Truitt.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Giddings; Moreno, P.; Smithee.

Absent — Oliveira; Talton; Wohlgemuth.

**STATEMENTS OF VOTE**

I was shown voting yes on Record No. 269. I intended to vote no.

J. Davis

I was shown voting no on Record No. 269. I intended to vote yes.

Hope

I was shown voting yes on Record No. 269. I intended to vote no.

McCall

I was shown voting no on Record No. 269. I intended to vote yes.

Merritt

When Record No. 269 was taken, I was in the house but away from my desk. I would have voted no.

Talton

**HB 747 ON THIRD READING**  
(by Gallego)

**HB 747**, A bill to be entitled An Act relating to certain evaluations made by the governing body of a hospital district, hospital authority, or public hospital.

A record vote was requested.

**HB 747** was passed by (Record 270): 144 Yeas, 0 Nays, 1 Present, not voting.

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

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Giddings; Moreno, P.; Smithee.

Absent — Oliveira.

**HB 3603 ON THIRD READING**  
(by Thompson, J. Davis, Eiland, and Dukes)

**HB 3603**, A bill to be entitled An Act relating to the control of insurance fraud.



**Amendment No. 1**

Representative Thompson offered the following amendment to **HB 3603**:

Amend SECTION 3 of **HB 3603** on 3rd reading on page 3, line 5, by deleting the period and adding the following after the word “conveyed”:

“either to the insurance fraud unit, an authorized governmental agency, other insurers, other persons or entities.”

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Thompson offered the following amendment to **HB 3603**:

Amend **HB 3603** on 3rd reading as follows:

- (1) Strike SECTION 2 of the bill and renumber accordingly
- (2) On page 5 strike lines 3-16

Amendment No. 2 was adopted without objection.

Representative Thompson moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 2 was withdrawn.

**HB 3603**, as amended, was passed. (Madden recorded voting no)

**LEAVE OF ABSENCE GRANTED**

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

Flores on motion of Gutierrez.

**HB 1123 ON THIRD READING  
(by Thompson)**

**HB 1123**, A bill to be entitled An Act relating to the salaries of certain statutory county court judges.

**Amendment No. 1**

Representative Thompson offered the following amendment to **HB 1123**:

Amend **HB 1123**, second reading engrossment by striking page 1, line 6 through page 2, line 13 and inserting the following:

Section 1. Sections 25.0005 (a) and (e) are amended to read as follows:

(a) A statutory county court judge, other than a statutory county court judge who engages in the private practice of law or a judge in whose court fees and costs under Section 51.702 are not collected, shall be paid a total annual salary set by the commissioners court at an amount that is at least equal to the amount that is \$1000 [~~\$4000~~] less than the total annual salary received by a district judge in the county, on August 31, 1999. A district judge's or statutory county court judge's total annual salary includes contributions and supplements, paid by the state or a county, other than contributions received as compensation under Section 74.051.

(e) A county is not required to meet the salary requirements of Subsection (a) for a particular court if:

(1) not later than September 1 of the year in which the county initially begins collecting fees and costs under Section 51.702, the county increases the salary of each statutory county court judge in the county to an amount that is at least[:

(A) ~~\$28,000~~ [\$20,000] more than the salary the judge was entitled to on May 1 of ~~the~~ [that] year[~~;~~ if] the county initially begins collecting fees and costs under Section 51.702 [~~before January 1, 1998, and is also at least \$24,000 more than the salary the judge was entitled to on May 1, 1997; and~~

~~(B) \$24,000 more than the salary the judge was entitled to on May 1 of that year if the county initially begins collecting fees and costs under Section 51.702 on or after January 1, 1998];~~

(2) the county pays at least the salary required by Subdivision (1);

(3) the county collects the fees and costs as provided by Section 51.702;

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

On behalf of Representative Smithee, Representative Thompson offered the following amendment to **HB 1123**:

Amend **HB 1123**, Second Reading Engrossment, by striking SECTIONS 3 and 4 of the bill and renumbering the remaining SECTIONS of the bill accordingly.

Amendment No. 2 was adopted without objection.

**HB 1123**, as amended, was passed.

#### **HB 921 ON THIRD READING (by Ehrhardt, Naishtat, Hunter, and McCall)**

**HB 921**, A bill to be entitled An Act relating to enrichment curriculum requirements.

**HB 921** was passed. (Berman recorded voting no)

#### **HB 2186 ON THIRD READING (by Dutton)**

**HB 2186**, A bill to be entitled An Act relating to summary judgments issued by a court.

**HB 2186** was passed. (Berman recorded voting no)

#### **HB 2124 ON THIRD READING (by Cuellar)**

**HB 2124**, A bill to be entitled An Act relating to protection of victims of family violence.

**Amendment No. 1**

Representative Cuellar offered the following amendment to **HB 2124**:

Amend **HB 2124**, Second Reading Engrossment, as follows:

- (1) Strike page 8, line 19, through page 9, line 24.
- (2) On page 9, line 25, renumber SECTION 8 as SECTION 6.
- (3) On page 10, strike line 7 through line 12.
- (4) On page 10, line 13, renumber SECTION 10 as SECTION 7.
- (5) On page 10, line 14, renumber SECTION 11 as SECTION 8.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Tillery offered the following amendment to **HB 2124**:

Amend **HB 2124** by inserting the following new sections, appropriately numbered:

SECTION \_\_\_\_ . Section 85.022, Family Code, is amended by adding Subsection (d) to read as follows:

(d) In a protective order, the court may suspend a license to carry a concealed handgun issued under Section 411.177, Government Code, that is held by a person found to have committed family violence.

SECTION \_\_\_\_ Section 85.042, Family Code, is amended by adding Subsection (e) to read as follows:

(e) The clerk of the court issuing an original or modified protective order under Section 85.022 that suspends a license to carry a concealed handgun shall send a copy of the order to the appropriate division of the Department of Public Safety at its Austin headquarters. On receipt of the order suspending the license, the department shall:

(1) record the suspension of the license in the records of the department;

(2) report the suspension to local law enforcement agencies, as appropriate; and

(3) demand surrender of the suspended license from the license holder.

SECTION 1. Article 17.292, Code of Criminal Procedure, is amended by amending Subsection (k) and adding Subsection (l) to read as follows:

(k) In the order for emergency protection, the magistrate may suspend a license to carry a concealed handgun issued under Section 411.177, Government Code, that is held by the defendant.

(l) In this article, “family,” “family violence,” and “household” have the meanings assigned by Chapter 71 [Section 71.01], Family Code.

SECTION \_\_\_\_ . Chapter 17, Code of Criminal Procedure, is amended by adding Article 17.293 to read as follows:

Art. 17.293. DELIVERY OF ORDER FOR EMERGENCY PROTECTION TO OTHER PERSONS. The magistrate or the clerk of the magistrate’s court issuing an order for emergency protection under Article 17.292 that suspends a license to carry a concealed handgun shall immediately send a copy of the order to the appropriate division of the Department of Public Safety at its Austin headquarters. On receipt of the order suspending the license, the department shall:

(1) record the suspension of the license in the records of the department;

(2) report the suspension to local law enforcement agencies, as appropriate; and

(3) demand surrender of the suspended license from the license holder.

SECTION \_\_\_\_\_. Section 411.180, Government Code, is amended by adding Subsection (i) to read as follows:

(i) This section does not apply to a suspension of a license under Section 85.022, Family Code, or Article 17.292, Code of Criminal Procedure.

SECTION \_\_\_\_\_. Sections 411.187(a) and (c), Government Code, are amended to read as follows:

(a) A license may be suspended under this section if the license holder:

(1) is charged with the commission of a Class A or Class B misdemeanor or an offense under Section 42.01, Penal Code, or of a felony under an information or indictment;

(2) fails to display a license as required by Section 411.205;

(3) fails to notify the department of a change of address or name as required by Section 411.181;

(4) carries a concealed handgun under the authority of this subchapter of a different category than the license holder is licensed to carry; [or]

(5) fails to return a previously issued license after a license is modified as required by Section 411.184(d);

(6) commits an act of family violence and is the subject of an active protective order rendered under Title 4, Family Code; or

(7) is arrested for an offense involving family violence or an offense under Section 42.072, Penal Code, and is the subject of an order for emergency protection issued under Article 17.292, Code of Criminal Procedure.

(c) A license may be suspended under this section:

(1) for 30 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(3), (4), or (5), except as provided by Subdivision (3);

(2) for 90 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2), except as provided by Subdivision (3);

(3) for not less than one year and not more than three years if the person's license is subject to suspension for a reason listed in Subsection (a), other than the reason listed in Subsection (a)(1), and the person's license has been previously suspended for the same reason; [or]

(4) until dismissal of the charges if the person's license is subject to suspension for the reason listed in Subsection (a)(1); or

(5) for the duration of or the period specified by:

(A) the protective order issued under Title 4, Family Code, if the person's license is subject to suspension for the reason listed in Subsection (a)(6); or

(B) the order for emergency protection issued under Article 17.292, Code of Criminal Procedure, if the person's license is subject to

suspension for the reason listed in Subsection (a)(7).

SECTION \_\_\_\_\_. (a) In accordance with Section 311.031(c), Government Code, which gives effect to a substantive amendment enacted by the same legislature that codifies the amended statute, the text of Sections 411.187(a) and (c), Government Code, as set out in Section 6 of this Act, gives effect to changes made by Chapter 1261, Acts of the 75th Legislature, Regular Session, 1997.

(b) To the extent of any conflict, this Act prevails over another Act of the 76th Legislature, Regular Session, 1999, relating to nonsubstantive additions to and corrections in enacted codes.

Amendment No. 2 was adopted without objection.

**HB 2124**, as amended, was passed. (Burnam, Hupp, and Thompson recorded voting no)

**HB 3838 ON THIRD READING**  
(by Goodman and Naishtat)

**HB 3838**, A bill to be entitled An Act relating to the protection of certain children.

**HB 3838** was passed.

**HB 714 ON THIRD READING**  
(by Naishtat, Coleman, et al.)

**HB 714**, A bill to be entitled An Act relating to the establishment of a newborn hearing screening, tracking, and intervention program.

**HB 714** was passed.

**HB 3446 ON THIRD READING**  
(by Swinford)

**HB 3446**, A bill to be entitled An Act relating to the regulation of the practice of veterinary medicine; imposing criminal, civil, and administrative penalties.

A record vote was requested.

**HB 3446** was passed by (Record 271): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall;

McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Giddings; Moreno, P.; Smithee.

Absent — Berman; Oliveira; Wolens.

**HB 2337 ON THIRD READING**  
(by Ehrhardt)

**HB 2337**, A bill to be entitled An Act relating to additional interest for default on a loan contract including simple interest.

**HB 2337** was passed.

**HB 2338 ON THIRD READING**  
(by Ehrhardt)

**HB 2338**, A bill to be entitled An Act relating to certain charges for administration of loans and loan applications.

**HB 2338** was passed.

**HB 2456 ON THIRD READING**  
(by Hartnett)

**HB 2456**, A bill to be entitled An Act relating to the statute of limitations for certain civil actions.

**HB 2456** was passed.

**HB 2482 ON THIRD READING**  
(by G. Lewis, et al.)

**HB 2482**, A bill to be entitled An Act relating to equal access to places of public accommodation.

**HB 2482** was passed. (Janek recorded voting no)

**HB 145 ON THIRD READING**  
(by Thompson and Hill)

**HB 145**, A bill to be entitled An Act relating to garnishment of wages for the enforcement of court-ordered spousal maintenance.

**Amendment No. 1**

Representative Thompson offered the following amendment to **HB 145**:

Amend **HB 145** on page 2, line 16, by striking “1999.” and substituting “1999, but only if the constitutional amendment proposed by the 76th Legislature, Regular Session, 1999, allowing garnishment of wages for spousal support, takes effect. If that amendment is not approved by the voters, this Act has no effect.”

Amendment No. 1 was adopted without objection.

**HB 145**, as amended, was passed. (Craddick, Hupp, Keel, and Uher recorded voting no)

**HB 1544 ON THIRD READING**  
(by Haggerty)

**HB 1544**, A bill to be entitled An Act relating to registration of engineering firms and to the publication by the Texas Board of Professional Engineers of a roster of engineers and engineering firms.

**HB 1544** was passed.

**HB 1700 ON THIRD READING**  
(by Danburg)

**HB 1700**, A bill to be entitled An Act relating to lifeline and tele-assistance telecommunications services.

**HB 1700** was passed.

**HB 2011 ON THIRD READING**  
(by Cuellar)

**HB 2011**, A bill to be entitled An Act relating to the administration of the Texas Academic Skills Program.

**Amendment No. 1**

Representative Cuellar offered the following amendment to **HB 2011**:

Amend **HB 2011**, Second Reading Engrossment, by striking SECTION 1 of the bill and renumbering the remaining SECTIONS of the bill accordingly.

Amendment No. 1 was adopted without objection.

**HB 2011**, as amended, was passed.

**HB 2114 ON THIRD READING**  
(by Danburg)

**HB 2114**, A bill to be entitled An Act relating to the application of the open meetings law to a board or committee of a sports and community venue district.

**HB 2114** was passed.

**HB 703 ON THIRD READING**  
(by Wilson)

**HB 703**, A bill to be entitled An Act relating to the purchase and sale of lottery tickets; providing a penalty.

**HB 703** was passed.

**HB 804 ON THIRD READING**  
(by Gallego, Thompson, and Cuellar)

**HB 804**, A bill to be entitled An Act relating to salaries and fees for services of certain prosecutors.

**Amendment No. 1**

Representative Gallego offered the following amendment to **HB 804**:

Amend **HB 804** in SECTION 1 of the bill by adding a new subsection (e) to Sec. 46.0031 to read as follows:

(e) A county attorney who does not have criminal prosecution duties or who has criminal prosecution duties only upon request of the district attorney is entitled to receive from the state supplemental salary compensation that is equal to one-half the amount the county attorney would be eligible for under the subsections (a) or (b) of this section. The remainder of the supplement shall be used for expenses of the county attorney's office.

Amendment No. 1 was adopted without objection.

**HB 804**, as amended, was passed.

**HB 943 ON THIRD READING**  
**(by Tillery and Wohlgemuth)**

**HB 943**, A bill to be entitled An Act relating to regulation of the use of laser pointers; providing a criminal penalty.

**HB 943** was passed.

**HB 1387 ON THIRD READING**  
**(by Van de Putte)**

**HB 1387**, A bill to be entitled An Act relating to investigating certain deaths and performing autopsies on certain bodies.

**HB 1387** was passed.

**HB 1153 ON THIRD READING**  
**(by Puente)**

**HB 1153**, A bill to be entitled An Act relating to the placement of a child in a county detention facility as a condition of probation.

**Amendment No. 1**

Representative Puente offered the following amendment to **HB 1153**:

Amend **HB 1153**, Second Reading Engrossment, as follows:

(1) On page 1, lines 7-8, strike "OR CORRECTIONAL".

(2) On page 1, line 12, strike "or correctional".

(3) On page 1, line 19, strike "or correctional".

Amendment No. 1 was adopted without objection.

**HB 1153**, as amended, was passed.

**HB 319 ON THIRD READING**  
**(by Driver)**

**HB 319**, A bill to be entitled An Act relating to the penalty for tampering with certain governmental records.

**Amendment No. 1**

Representative Garcia offered the following amendment to **HB 319**:

Amend **HB 319** on Third Reading on page 2, line 8, by striking "was a license" and substituting "was a public school record or document or was a license".



Representative Chisum raised a point of order against further consideration of Amendment No. 1 by Puente under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Amendment No. 1 was withdrawn.

**HB 319** was passed.

**HB 2236 ON THIRD READING**  
**(by Gray)**

**HB 2236**, A bill to be entitled An Act relating to contracts for Medicaid managed care.

A record vote was requested.

**HB 2236** was passed by (Record 272): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Giddings; Moreno, P.; Smithee.

Absent — Corte; Marchant; Oliveira; Wohlgemuth; Wolens.

**HB 1802 ON THIRD READING**  
**(by Eiland)**

**HB 1802**, A bill to be entitled An Act relating to an affirmative defense to certain gambling offenses committed on an ocean-going vessel.

**HB 1802** was passed. (Heflin recorded voting no)

**HB 374 ON THIRD READING**  
**(by Culberson and Keel)**

**HB 374**, A bill to be entitled An Act relating to the deferral or abatement of a suit to collect delinquent taxes on the homestead of an elderly person.

**HB 374** was passed.

**HB 2272 ON THIRD READING**  
**(by Ritter)**

**HB 2272**, A bill to be entitled An Act relating to advisory committees to the Parks and Wildlife Commission.

**HB 2272** was passed.

**HB 1822 ON THIRD READING**  
**(by Yarbrough)**

**HB 1822**, A bill to be entitled An Act relating to the regulation of air conditioning and refrigeration contractors; providing penalties.

**HB 1822** was passed.

**HB 2420 ON THIRD READING**  
**(by Driver)**

**HB 2420**, A bill to be entitled An Act relating to an advertisement sent to a facsimile machine.

**HB 2420** was passed.

**HB 1708 ON THIRD READING**  
**(by Maxey and Danburg)**

**HB 1708**, A bill to be entitled An Act relating to the maximum fee a tow truck may charge for a nonconsent tow; providing a penalty.

**Amendment No. 1**

On behalf of Representative Thompson, Representative Maxey offered the following amendment to **HB 1708**:

Amend **HB 1708**, second reading engrossment, as follows:

(1) In SECTION 1 of the bill, proposed Section 643.203(c), Transportation Code (page 2, line 2), strike “state licensed storage facility;” and substitute “vehicle storage facility operated by a person licensed under Article 6687-9a, Revised Statutes;”

(2) In SECTION 1 of the bill, page 2, line 6 through page 3, line 10, strike proposed Section 643.203(c) (3) (A), Transportation Code.

(3) Add a new SECTION to the bill, appropriately numbered, to read as follows, and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter E, Chapter 684, Transportation Code, is amended by adding Section 684.0835 to read as follows:

Sec. 684.0835. RELEASE OF VEHICLE. (a) A vehicle storage facility shall release a vehicle removed in compliance with this chapter and stored at a vehicle storage facility to the owner of the vehicle or to the owner’s representative if the owner or the owner’s representative:

(1) pays all fees due against the vehicle;

(2) presents valid identification, which may include a driver’s license issued by this state or another state, or identification issued by the United States that includes the person’s photograph; and

(3) presents one of the following:

(A) the certificate of title for the vehicle, if the person is shown as the owner of the vehicle on the certificate of title;

(B) the registration receipt for the vehicle and a registration renewal card issued by the Texas Department of Transportation, if the person is shown as the owner of the vehicle on the registration receipt;

(C) a notarized power of attorney authorizing the person to obtain possession of the vehicle, accompanied by the documents described by Subdivision (A) or (B), if the person is not shown as the owner of the vehicle on those documents;

(D) a court order authorizing the person to obtain possession of the vehicle;

(E) a notarized power of attorney and a certificate of title in the owner's name that shows the person's right to obtain possession of the vehicle;

(F) a notarized proof-of-loss claim of theft issued by an insurance company authorized to do business in this state that shows the person's right to obtain possession of the vehicle; or

(G) an affidavit of right of possession and control issued by the Texas Department of Transportation that shows the person's right to obtain possession of the vehicle.

(b) The Texas Department of Transportation shall issue an affidavit of right of possession for a vehicle to a person who applies and presents evidence sufficient to show to the department that the person is entitled to possession of the vehicle. The department shall approve the form of the affidavit. An affidavit of right of possession and control issued by the department under this section:

(1) may only be used by the person to whom the affidavit is issued or an immediate family member of the person; and

(2) may not be used as a repossession instrument.

Amendment No. 1 was adopted without objection.

**HB 1708**, as amended, was passed.

**HB 2605 ON THIRD READING**  
**(by Solomons)**

**HB 2605**, A bill to be entitled An Act relating to providing a right of rescission for certain owners executing residential construction contracts for improvements on homestead property.

**HB 2605** was passed.

**HB 2145 ON THIRD READING**  
**(by Allen and McClendon)**

**HB 2145**, A bill to be entitled An Act relating to persons subject to sex offender registration requirements and to the conditions for supervised release of those persons.

**HB 2145** was passed.

**HB 564 ON THIRD READING**  
**(by Oliveira)**

**HB 564**, A bill to be entitled An Act relating to a border advocacy division of the governor's office.

**HB 564** was passed.

**HB 2155 ON THIRD READING**  
**(by Yarbrough)**

**HB 2155**, A bill to be entitled An Act relating to the creation and operation of the Texas State Board of Mechanical Industries and the regulation of plumbing and mechanical laws and programs by that board; providing penalties.

**HB 2155** was passed.

**HB 2598 ON THIRD READING**  
**(by McReynolds)**

**HB 2598**, A bill to be entitled An Act relating to review of projects funded by the Texas Department of Transportation for compliance with facility accessibility standards.

A record vote was requested.

**HB 2598** was passed by (Record 273): 134 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Corte; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Madden; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Giddings; Moreno, P.; Smithee.

Absent — Cook; Counts; Dukes; Edwards; Howard; Jones, C.; Luna; Marchant; Oliveira; Wohlgemuth.

**HB 617 ON THIRD READING**  
**(by Ehrhardt and Madden)**

**HB 617**, A bill to be entitled An Act relating to waiver applications by a public school campus or district.

**HB 617** was passed.

**HB 629 ON THIRD READING**  
**(by Gallego and Walker)**

**HB 629**, A bill to be entitled An Act relating to medical information provided by certain emergency medical services operators.

**HB 629** was passed.

**HB 1918 ON THIRD READING**  
**(by Oliveira)**

**HB 1918**, A bill to be entitled An Act relating to the development of a statewide multimodal transportation plan.

**HB 1918** was passed.

**HB 269 ON THIRD READING**  
**(by Flores)**

**HB 269**, A bill to be entitled An Act relating to jury service by public school employees.

**HB 269** was passed.

**GENERAL STATE CALENDAR**  
**SENATE BILLS**  
**THIRD READING**

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

**SB 565 ON THIRD READING**  
**(Allen - House Sponsor)**

**SB 565**, A bill to be entitled An Act relating to the creation of a sex offender compliance unit in the Texas Department of Public Safety.

**SB 565** was passed.

**SB 1607 ON THIRD READING**  
**(Allen - House Sponsor)**

**SB 1607**, A bill to be entitled An Act relating to the establishment of an infant care and parenting program in the Texas Youth Commission.

**SB 1607** was passed.

**SB 501 ON THIRD READING**  
**(Oliveira, et al. - House Sponsors)**

**SB 501**, A bill to be entitled An Act relating to a state agency's strategic plan for serving geographic regions of the state, including the border region.

**Amendment No. 1**

Representative Telford offered the following amendment to **SB 501**:

Amend **SB 501** on third reading as follows:

(1) On page 2, strike lines 10-13 and substitute the following:

(8) identification of each geographic region of this state, including the Texas-Louisiana border region and the Texas-Mexico border region, served by the agency, and if appropriate the agency's means and strategies for serving each region; and

(2) On page 2, between lines 20 and 21 insert the following:

(2) "Texas-Louisiana border region" means the area consisting of the counties of Bowie, Camp, Cass, Delta, Franklin, Gregg, Harrison, Hopkins, Lamar, Marion, Morris, Panola, Red River, Rusk, Smith, Titus, Upshur, and Wood.

(3) On page 2, line 21 strike "(2) "Border region"" and substitute "(3) "Texas-Mexico border region"".

Amendment No. 1 was adopted without objection.

**SB 501**, as amended, was passed.

**SB 506 ON THIRD READING**  
**(Goodman - House Sponsor)**

**SB 506**, A bill to be entitled An Act relating to suits to recover damages resulting from construction defects; providing a civil penalty.

**SB 506** was passed.

**SB 839 ON THIRD READING**  
**(Burnam - House Sponsor)**

**SB 839**, A bill to be entitled An Act relating to security bars on residential dwellings.

**SB 839** was passed.

**SB 1276 ON THIRD READING**  
**(Cuellar and Siebert - House Sponsors)**

**SB 1276**, A bill to be entitled An Act relating to a misdemeanant's liability for the cost of confinement in a county jail.

**Amendment No. 1**

Representatives Solomons and Cuellar offered the following amendment to **SB 1276**:

Amend **SB 1276** on 3rd Reading as follows:

(1) Strike the language added by item (1) of the Solomons 2nd Reading Amendment and substitute "at a rate of \$25 a day".

(2) Strike the language added by item (2) of the Solomons 2nd Reading Amendment and substitute "daily rate of \$25".

(3) Strike SECTION 4 (House Committee Printing, page 3, lines 20 and 21, and renumber existing SECTIONS accordingly.

Amendment No. 1 was adopted without objection.

**SB 1276**, as amended, was passed. (G. Lewis recorded voting no)

**SB 46 ON THIRD READING**  
**(Hinojosa and Goolsby - House Sponsors)**

**SB 46**, A bill to be entitled An Act relating to the creation of the offense of fraudulent use or possession of identifying information.

**SB 46** was passed.

**SB 1132 ON THIRD READING**  
**(Capelo - House Sponsor)**

**SB 1132**, A bill to be entitled An Act relating to due process requirements for renewal, modification, or revocation of medical staff membership and privileges.

A record vote was requested.

**SB 1132** was passed by (Record 274): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Giddings; Moreno, P.; Smithee.

Absent — Edwards; Green; Heflin; Hope; Howard; Jones, C.; McCall; Oliveira; Wohlgemuth.

**SB 525 ON THIRD READING**  
**(Uher - House Sponsor)**

**SB 525**, A bill to be entitled An Act relating to compensation and benefits for members of the state military forces and their dependents.

**SB 525** was passed.

**HB 713 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 713**, A bill to be entitled An Act relating to the Texas Gateway to the Future Grant Program and the Teach for Texas Program; consolidating financial aid, grant, and scholarship programs; and providing for the education, certification, and recruitment of teachers.

Representative Cuellar moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 713**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 713**: Cuellar, chair, Rangel, Junell, F. Brown, and J. Jones.

**HB 869 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 869**, A bill to be entitled An Act relating to authorizing the appointment of certain visiting associate judges.

Representative Goodman moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 869**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 869**: Goodman, chair, Smith, G. Lewis, Truitt, and P. King.

**HB 1174 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1174**, A bill to be entitled An Act relating to preparation of an abstract of judgment in an action to establish a lien on real property.

On motion of Representative Junell, the house concurred in the senate amendments to **HB 1174**.

**Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

1. Amend **HB 1174** by striking SECTION 1 and replacing it with the following:



SECTION 1. Section 52.002(a), Property Code, is amended to read as follows:

(a) The attorney [~~On application~~] of a person in whose favor a judgment is rendered in a small claims court or a justice court may prepare an abstract of judgment or on application of that person or of that person's agent, attorney, or assignee, the judge or justice of the peace who rendered the judgment shall prepare and deliver to the applicant an abstract of the judgment.

**HB 1254 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 1254**, A bill to be entitled An Act relating to issuance of United States passports by district clerks.

On motion of Representative Tillery, the house concurred in the senate amendments to **HB 1254** by (Record 275): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hunter; Hupp; Isett; Janek; Jones, C.; Jones, D.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Palmer; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Siebert; Smith; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wilson; Wise; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Giddings; Moreno, P.; Smithee.

Absent — Howard; Oliveira; Shields; Wohlgemuth.

**Senate Committee Substitute**

**CSHB 1254**, A bill to be entitled An Act relating to issuance of United States passports by district clerks.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Subchapter D, Chapter 51, Government Code, is amended by adding Section 51.3031 to read as follows:

Sec. 51.3031. ISSUANCE OF UNITED STATES PASSPORTS. (a) A

district clerk may perform all duties necessary to process an application for a United States passport, including taking passport photographs.

(b) To recover the costs of taking passport photographs, a district clerk may collect a reasonable fee in an amount set by the commissioners court of the county in which the district clerk's office is located.

(c) A district clerk, after collecting a fee under Subsection (b), shall pay the fee to the county treasurer, or to an official who discharges the duties of the county treasurer, for deposit in the general fund of the county.

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

#### **HB 1373 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1373**, A bill to be entitled An Act relating to allocation of principal and income in certain trusts.

On motion of Representative Williams, the house concurred in the senate amendments to **HB 1373**.

#### **Senate Amendment No. 1 (Senate Committee Amendment No. 1)**

Amend **HB 1373** in SECTION 1 of the bill, Section 113.1021, Property Code on page 1, line 6, by striking "CERTAIN" and substituting "CHARITABLE".

#### **HB 2719 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2719**, A bill to be entitled An Act relating to the promotion of Texas agricultural products; providing a penalty.

On motion of Representative Swinford, the house concurred in the senate amendments to **HB 2719**.

#### **Senate Amendment No. 1**

Amend **HB 2719**, adding an appropriately numbered SECTION to read as follows:

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

**RULES SUSPENDED**

Representative Sadler moved to suspend the 5-day posting rule to allow the Committee on Public Education, Subcommittee on **SB 103**, to consider pending business and **SB 103**.

The motion prevailed without objection.

Representative Carter moved to suspend the 5-day posting rule to allow the Committee on Urban Affairs to consider **SB 553**, **SB 623**, **SB 867**, **SB 1268**, **SB 1287**, **SB 1606**, and **SB 1703**.

The motion prevailed without objection.

**COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Judicial Affairs, on adjournment today, Desk 67, for a formal meeting, to consider **HB 3854**.

Local and Consent Calendars, on adjournment today, 2W.25.

Public Education, Subcommittee on **SB 103**, on adjournment today, Desk 102, to consider pending business (**SB 103**).

**HB 2482 - VOTE RECORDED**

I request to be recorded as voting no on **HB 2482**.

Nixon

**STATEMENT OF VOTE**

I was shown voting yes on **HB 921** (Record No. 262). I intended to vote no.

Hawley

**ADJOURNMENT**

Representatives Chavez and J. F. Solis moved that the house adjourn until 1:00 p.m. Monday, May 10 in memory of Texas folklorist Americo Paredes.

The motion prevailed without objection.

The house accordingly, at 12:40 p.m., adjourned until 1:00 p.m. Monday, May 10.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

**List No. 1**

**HB 3854** (by Thompson), Relating to the assignment and docketing of cases filed in Harris County statutory probate courts.

To Judicial Affairs.

**SB 29** to Corrections.

**SB 266** to Public Education.

**SB 349** to Transportation.

**SB 629** to Civil Practices.

**SB 791** to Transportation.

**SB 931** to Higher Education.

**SB 1027** to Higher Education.

**SB 1144** to Pensions & Investments.

**SB 1220** to Transportation.

**SB 1224** to Public Safety.

**SB 1356** to Higher Education.

**SB 1380** to Public Education.

**SB 1511** to County Affairs.

**SB 1539** to Urban Affairs.

**SB 1591** to Public Health.

**SB 1650** to Corrections.

**SB 1665** to Natural Resources.

**SB 1823** to Transportation.

**SB 1828** to Human Services.

**SB 1872** to Transportation.

**SB 1877** to Natural Resources.

**SCR 77** to Rules & Resolutions.

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 7**

Appropriations - **SB 1354**

Civil Practices - **HB 1888, HB 2399, HCR 106, HCR 120, HCR 127, SB 1204, SCR 24, SCR 33**

Corrections - **SB 365**

County Affairs - **HB 3845, SB 338, SB 1628**

Elections - **HB 3206, SB 35**

Higher Education - **HB 3284, SB 940, SB 1183, SB 1261, SB 1651**

House Administration - **HB 1925, SCR 37**

Human Services - **SB 369, SB 374, SB 1441**

Insurance - **HB 476, HB 643**

Judicial Affairs - **HB 3650, HJR 87, SB 1388, SB 1719, SJR 9**

Juvenile Justice & Family Issues - **SB 368**

Land & Resource Management - **SB 1175**

Licensing & Administrative Procedures - **HB 106, SB 551, SB 603, SB 616**

Pensions & Investments - **HB 1236, HB 3178, SB 761, SB 805, SB 1664**

Public Education - **HB 3396**

Public Health - **HB 1646, HB 2293, HB 3302, SB 1086, SB 1260, SB 1685**

State Affairs - **HB 5, HB 1777, HCR 111, SB 77, SB 549, SB 583, SB 640, SB 747, SB 753, SB 1382**

Urban Affairs - **HB 3375, SB 264**

Ways & Means - **HB 1218, HB 1447, HB 1934, HJR 39, HJR 81, SB 853, SB 1166, SB 1254, SB 1359, SB 1434, SB 1641, SB 1642**

#### ENGROSSED

May 7 - **HB 143, HB 209, HB 211, HB 551, HB 731, HB 820, HB 900, HB 1444, HB 1516, HB 1860, HB 1910, HB 2371, HB 2372, HB 2909, HB 3042, HB 3059, HB 3079, HB 3132, HB 3215, HB 3516, HB 3517, HB 3582, HB 3596, HJR 16, HJR 62**

#### ENROLLED

May 7 - **HB 573, HB 1209, HB 1987**

#### SENT TO THE GOVERNOR

May 7 - **HB 221, HB 431, HB 573, HB 624, HB 870, HB 873, HB 963, HB 1138, HB 1401, HB 1643, HB 1987, HCR 115, HCR 183, HCR 185, HCR 188, HCR 194**