

HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

FIFTY-SECOND DAY (CONTINUED) — FRIDAY, APRIL 16, 1999

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

The roll of the house was called and a quorum was announced present (Record 93).

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

Absent, Excused — Bailey; Crownover; Pickett; Solomons; Talton; Tillery.

Absent — Hartnett.

The invocation was offered by Terry Gayle, pastor, University Baptist Church, San Antonio.

Our Heavenly Father, we bow our heads and our hearts before you in acknowledgement of your lordship over us. We confess that we are weak and sin-prone and so little inclined to obedience; So much attached to the pleasures of sense; So negligent of things spiritual; So prompt to gratify our bodies, so slow to nourish our souls; So greedy for present delight, so indifferent to lasting blessedness; So fond of idleness, so indisposed for labor; So soon at play, so late at prayer; So brisk in the service of self, so slack in service of others; So eager to get, so reluctant to give; So lofty in our profession, so low in our practice; So full of good intentions, so backward to fulfill them; So severe with our neighbors, so indulgent with ourselves; So eager to find fault, so resentful at being found fault with; So able for great tasks, so discontented with small ones; So weak in adversity, so swollen and self-satisfied in prosperity; We are so helpless apart from you and yet so little willing to be bound to you.

O merciful God, grant us again your forgiveness.

Bless each of these men and women this day and give them wisdom as they deliberate. May we seek your will always above our own.

In the name of Jesus we pray, Amen.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Pickett on motion of Najera.

Solomons on motion of Denny.

The following member was granted leave of absence for today because of personal business:

Tillery on motion of Hodge.

The following members were granted leaves of absence for today because of important business:

Bailey on motion of Luna.

Talton on motion of J. Davis.

CAPITOL PHYSICIAN

The speaker recognized Representative Seaman who presented Dr. T. DeWitt Harvey, Corpus Christi and Dr. Gina Flores of Boston, Massachusetts as the "Doctors for the Day."

The house welcomed Dr. Harvey and Dr. Flores and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1, 2, and 3).

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 30).

HR 652 - ADOPTED (by Cuellar)

Representative Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 652**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 652, Honoring Trautmann Middle School of Laredo.

HR 652 was read and was adopted without objection.

HR 347 - ADOPTED
(by Chisum)

Representative Chisum moved to suspend all necessary rules to take up and consider at this time **HR 347**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 347, Commending J. C. McCollough for his 50 years in real estate.

HR 347 was adopted without objection.

HR 514 - ADOPTED
(by Walker)

Representative Walker moved to suspend all necessary rules to take up and consider at this time **HR 514**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 514, In memory of Gertrude K. Swyhart.

HR 514 was read and was unanimously adopted by a rising vote.

On motion of Representative West, the names of all the members of the house were added to **HR 514** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Walker, who introduced LeRoy Swyhart, Gertrude K. Swyhart's son.

HCR 123 - ADOPTED
(by Janek)

Representative Janek moved to suspend all necessary rules to take up and consider at this time **HCR 123**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 123, In memory of Ryan Lee "Smiley" Riddle.

HCR 123 was read and was unanimously adopted by a rising vote.

On motion of Representative Uher, the names of all the members of the house were added to **HCR 123** as signers thereof.

LEAVE OF ABSENCE GRANTED

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

Bonnen on motion of McCall.

(Speaker pro tempore in the chair)

CONGRATULATORY AND MEMORIAL CALENDAR

The following memorial resolutions were laid before the house:

HCR 123 was previously adopted.

HCR 126 was withdrawn.

HCR 144 (Gallego), In memory of Dr. William C. Leavitt.

HCR 145 (Gallego), In memory of Gene Hendryx.

HCR 146 (Gallego), In memory of Judge Ann C. Scudday.

HCR 147 (Gallego), In memory of E. H. "Herb" Whitis of Del Rio.

HCR 148 (Gallego), In memory of U.S. Border Patrol Agent David Pyatte.

HCR 149 (Gallego), In memory of Dr. Barton H. Warnock of Alpine.

HCR 150 (Gallego), In memory of Dr. Lonnie Green.

HCR 151 (Gallego), In memory of William James "Bill" Sohl.

HCR 152 (Gallego), In memory of Wilma Shuster.

HCR 165 (Gallego), In memory of J. Charles Kelley.

HCR 166 (Gallego), In memory of Tom Longman.

HCR 167 (Gallego), In memory of Toliver "Tol" Henry Dawson.

HCR 169 (Gallego), In memory of Hallie C. Stillwell.

HR 210 (Uher), In memory of the Honorable Jim Pearce Johnson.

HR 212 (Uher), In memory of the Honorable Andy James.

HR 213 (Uher), In memory of the Honorable William A. Shofner.

HR 214 (Uher), In memory of the Honorable W. T. Oliver.

HR 215 (Uher), In memory of Edwin Earl "Red" Brewer.

HR 216 (Uher), In memory of former State Representative Vernon Beckham.

HR 217 (Uher), In memory of the Honorable G. C. Morris.

HR 218 (Uher), In memory of former State Representative Mary Jan Bode.

HR 225 (Madden), In memory of Joseph George Friedlein.

The resolutions were unanimously adopted by a rising vote.

The the following congratulatory resolutions were laid before the house:

HCR 62 (Luna), Declaring the first week of May 1999 as School Social Work Week.

HCR 115 (Denny), Designating the first Thursday of May 1999 as "A Day of Prayer in Texas."

HCR 121 (McCall), Recognizing the 10th anniversary of the JASON Foundation for Education's JASON Project.

HCR 130 was withdrawn.

HCR 138 (Eiland), Congratulating the Friendswood High School Academic Decathlon team on winning the Texas Academic Decathlon.

HCR 139 (by Isett), Congratulating Texas Tech women's basketball coach Marsha Sharp on her induction into the Texas Women's Hall of Fame.

HCR 142 (by Keffer), Recognizing the Ranger Historical Preservation Society.

HCR 157 (by West), Honoring Daniel Vinson Younts II.

HCR 158 (by Hilderbran), Commending the Gillespie County Fair and Festivals Association.

HCR 164 (by Greenberg), Honoring the recipients of the 1999 Texas Excellence Awards for Outstanding Teachers.

HCR 168 (by Gallego), Honoring the retirement of Presidio County-District Clerk Ramona Armendariz Lara.

HCR 173 (by Isett), Congratulating Marsha Sharp and the Texas Tech University Lady Raiders basketball team.

HCR 175 (by Smithee), Recognizing the Honorable Carlton B. Dodson.

HR 209 (by Madden, Cuellar, P. Moreno, Farabee, and Hodge), Recognizing the contributions of the Caring for Children Foundation of Texas, Inc., and Blue Cross and Blue Shield of Texas, Inc., to the medically underserved families of Texas.

HR 226 (by Madden), Congratulating Amanda Neff for winning a 4-H horse award.

HR 227 (by George), Congratulating Anne Jernberg and Chris Tomlinson on being named Youth of the Month for January 1999 by the Exchange Club of Lake Highlands.

HR 234 was withdrawn.

HR 240 was withdrawn.

HR 248 (by Cuellar), Honoring Les Norton, Glen Jackson, and Luis Lidsky, co-hosts of the Laredo broadcast of the Jerry Lewis MDA telethon.

HR 249 (by Hunter), Recognizing July 1999 as Texas Buffalo Soldiers Month and July 28, 1999, as Texas Buffalo Soldiers Capitol Salute Day.

HR 252 (by Y. Davis), Honoring the Duncanville Panthers for their Class 5A Division I high school football state championship.

HR 255 (by Uresti), Commending the Southside Reporter for 63 years of service to San Antonio.

HR 256 (by Uresti), Honoring Gracie Beane on her retirement.

HR 265 (by Brimer), Recognizing RBR Construction's receipt of a Fort Worth AGC 1998 Outstanding Construction Project Award.

HR 270 (by Williams), Honoring Dee Watson for outstanding teaching.

HR 271 (by Williams), Congratulating Daphne Brashear on being named a distinguished finalist in The 1999 Prudential Spirit of Community Awards program.

HR 285 (by Madden), Congratulating Judge John A. Roller, Jr. on his retirement as Collin County Justice of the Peace.

HR 286 (by Counts), Honoring Wayne Hagood of Sweetwater.

The resolutions were adopted without objection.

LEAVE OF ABSENCE GRANTED

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

Deshotel on motion of Ritter.

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):

SB 11 (Maxey - House Sponsor), A bill to be entitled An Act relating to the mental state applicable to certain violations under the state Medicaid program.

SB 18 (Naishtat - House Sponsor), A bill to be entitled An Act relating to the representation of the state by the attorney general in certain cases involving nursing facilities.

CSSB 109 (Naishtat - House Sponsor), A bill to be entitled An Act relating to nursing homes and related institutions.

CSSB 112 (Nixon - House Sponsor), A Bill to be entitled An Act relating to investing in the Texas tomorrow fund.

SB 144 (E. Reyna - House Sponsor), A bill to be entitled An Act relating to the designation of a person to receive notice of utility service connections.

SB 189 (C. Jones - House Sponsor), A bill to be entitled An Act relating to the election of the members of the board of directors of the Burleson County Hospital District.

CSSB 204 (Allen - House Sponsor), A bill to be entitled An Act relating to permitting county officers and employees to receive reduced airline fares while engaged in official county business.

SB 211 (Cuellar - House Sponsor), A bill to be entitled An Act relating to the notice of a decision in an administrative hearing before a state agency.

SB 212 (Siebert - House Sponsor), A bill to be entitled An Act relating to entrance examinations for beginning positions in the police departments of certain municipalities.

SB 234 (Hunter - House Sponsor), A bill to be entitled An Act relating to the filing of reports with the secretary of state regarding persons licensed by the state.

SB 269 (Isett - House Sponsor), A bill to be entitled An Act relating to the abolishment of certain taxes imposed by and the dissolution of certain economic development corporations.

CSSB 276 (Noriega - House Sponsor), A bill to be entitled An Act relating to the creation of the Greater East End Management District; providing authority to impose a tax and issue bonds.

SB 356 (McCall, Gray, and Bosse - House Sponsors), A bill to be entitled An Act relating to the abolition of the Texas Hospital Equipment Financing Council.

SB 380 (Naishtat - House Sponsor), A Bill to be entitled An Act relating to the attorney general's authority to bring a suit against intermediate care facilities for the mentally retarded.

SB 392 (Bonnen - House Sponsor), A bill to be entitled An Act relating to bonds of certain navigation districts.

CSSB 413 (Flores - House Sponsor), A bill to be entitled An Act relating to the regulation of the practice of marriage and family therapy.

SB 414 (Van de Putte - House Sponsor), A bill to be entitled An Act relating to the application of certain rules of the Texas State Board of Pharmacy to certain pharmacy pilot and demonstration projects.

SB 461 (Howard - House Sponsor), A bill to be entitled An Act relating to a payment to a family violence shelter center by a defendant made as a condition of community supervision.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hinojosa, Representative Dunnam offered the following committee amendment to **SB 461**:

Amend **SB 461** on page 1, line 11, between the period and "In", by inserting "The copy of the terms and conditions of community supervision provided to the person may not identify or describe any attribute of the recipient of a payment under this subsection."

Representative Dunnam moved to table Amendment No. 1.

The motion to table prevailed.

SB 812 (R. Lewis - House Sponsor), A bill to be entitled An Act relating to the recovery by the Railroad Commission of Texas of well plugging and oil field cleanup costs incurred by the commission.

Amendment No. 1 (Committee Amendment No. 1)

Representative R. Lewis offered the following committee amendment to **SB 812**:

Amend **SB 812** as follows:

- (1) On page 2, line 5, strike "shall" and substitute "may".
- (2) On page 2, line 16, strike "shall" and substitute "may".
- (3) On page 3, line 13, strike "shall" and substitute "may".

Amendment No. 1 was adopted without objection.

SB 813 (R. Lewis - House Sponsor), A bill to be entitled An Act relating to the lien of the Railroad Commission of Texas on well-site equipment to secure the cost of plugging an oil or gas well.

(Hartnett now present)

SB 814 (R. Lewis - House Sponsor), A bill to be entitled An Act relating to the reimbursement of the Railroad Commission of Texas for costs incurred by the commission in relation to violations relating to safety or the prevention or control of pollution.

SB 815 (R. Lewis - House Sponsor), A bill to be entitled An Act relating to the imposition of an administrative penalty by the Railroad Commission of Texas for taking certain actions regarding false applications, reports, and documents and for tampering with gauges.

SB 816 (Hardcastle - House Sponsor), A bill to be entitled An Act relating to certain transactions by a gas utility.

HB 81 (by Gallego), A bill to be entitled An Act relating to the conservatorship of state agencies and public junior colleges as a result of fiscal mismanagement.

CSHB 110 (by Maxey), A bill to be entitled An Act relating to public access to certain information regarding medical practitioners.

Amendment No. 1

On behalf of Representative Gutierrez, Representative Maxey offered the following amendment to **CSHB 110**:

Amend **CSHB 110** as follows:

(1) On page 1, strike lines 12 and 13 and substitute the following: constituting a felony, a Class A or Class B misdemeanor, or a Class C misdemeanor involving moral turpitude, a violation of state or federal

(2) On page 3, strike line 9 and substitute the following: constituting a felony, a Class A or Class B misdemeanor, or a Class C misdemeanor involving moral turpitude during

Amendment No. 1 was adopted without objection.

HB 217 (by Hochberg), A bill to be entitled An Act relating to excused absences from public school attendance for the purpose of observing religious holy days.

CSHB 243 (by West), A bill to be entitled An Act relating to authorizing peace officers to administer certain oaths.

HB 318 (by Driver), A bill to be entitled An Act relating to the penalty for a false application for a driver's license or a certificate issued by the Department of Public Safety.

HB 362 (by Hupp), A bill to be entitled An Act relating to the eligibility of certain higher education employees to participate in group programs under the Texas Employees Uniform Group Insurance Benefits Act.

HB 426 (by B. Turner), A bill to be entitled An Act relating to educational requirements for the executive director of the Texas Animal Health Commission.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Swinford, Representative B. Turner offered the following committee amendment to **HB 426**:

Amend **HB 426** by Turner of Coleman on page 1, lines 8 and 9 by striking "and a license issued by the State Board of Veterinary Medical Examiners".

Amendment No. 1 was adopted without objection.

HB 496 (by Flores), A bill to be entitled An Act relating to the operation of vehicle theft checkpoints near the Mexican border.

Amendment No. 1 (Committee Amendment No. 1)

Representative Gutierrez offered the following committee amendment to **HB 496**:

Amend **HB 496** as follows:

- (1) On page 1, line 22, strike "and".
- (2) Strike the language on page 1, line 23, through page 2, line 5, and substitute the following:
 - (3) designed to stop only traffic bound for Mexico; and
 - (4) operated in such a manner as to stop only vehicles, tractors or implements, [or] equipment, aircraft, or watercraft for which law enforcement authorities have probable cause to believe is stolen and bound for Mexico[; ~~as evidenced by broken windows or other visible signs of forced entry~~].

Amendment No. 1 was adopted without objection.

HB 508 was withdrawn.

CSHB 558 (by Hunter, Van de Putte, B. Turner, Noriega, Delisi, et al.), A bill to be entitled An Act relating to the requirement that state employees present proof of selective service registration or exemption.

CSHB 625 (by A. Reyna), A bill to be entitled An Act relating to the hearing date on an adoption.

HB 662 (by Hilderbran), A bill to be entitled An Act relating to the assessment of administrative fees for certain transactions relating to the collection of court costs.

HB 756 (by Hartnett), A bill to be entitled An Act relating to certain meetings held by a nonprofit corporation.

SB 404 (Carter, et al. - House Sponsors), in lieu of **HB 825**, A bill to be entitled An Act relating to the eligibility of a retired peace officer for a license to carry a concealed handgun.

Representative Carter moved to lay **HB 825** on the table subject to call.

The motion prevailed without objection.

CSHB 873 (by Hochberg), A bill to be entitled An Act relating to an exemption from ad valorem taxation for property of certain nonprofit organizations while improvements are under construction.

HB 919 (by Naishtat), A bill to be entitled An Act relating to an attorney who represents a ward, proposed ward, guardian, or other interested person in certain guardianship proceedings.

HB 1024 (by Bosse), A bill to be entitled An Act relating to parking of a commercial vehicle in certain subdivisions.

CSHB 1027 (by Solomons and Denny), A bill to be entitled An Act relating to the authority of the board of regents of Texas Woman's University to levy fees for student centers.

HB 1064 (by Pickett, et al.), A bill to be entitled An Act relating to the regulation of the sale and use of certain refrigerants.

CSHB 1074 (by Krusee), A bill to be entitled An Act relating to public notification of certain accidental discharges or spills into water.

HB 1102 (by Smith), A bill to be entitled An Act relating to prohibiting discharge or release payments to certain inmates of the Texas Department of Criminal Justice.

HB 1124 (by Hamric), A bill to be entitled An Act relating to the setting of certain county fees for a license, permit, registration, or other similar form of permission.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Chisum, Representative Hamric offered the following committee amendment to **HB 1124**:

Amend **HB 1124** as follows:

- (1) On page 1, line 9, between "permit." and "registration" insert "or".
- (2) On page 1, lines 9-10, strike ", or other similar form of permission".
- (3) On page 1, line 15, between "permit." and "registration" insert "or".
- (4) On page 1, line 15, strike ", or other similar form of permission".

Amendment No. 1 was adopted without objection.

HB 1147 was withdrawn.

HB 1196 (by A. Reyna), A bill to be entitled An Act relating to recognizing Texas Parenting Day.

CSHB 1207 (by Naishtat), A bill to be entitled An Act relating to benefits and administration of retirement systems for firefighters in certain municipalities.

HB 1322 (by P. King), A bill to be entitled An Act relating to a child support lien.

CSHB 1346 (by Salinas and Cuellar), A bill to be entitled An Act relating to the adoption of a junior college branch campus maintenance tax by certain counties.

HB 1363 (by Hawley), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to Karnes County.

HB 1521 (by Siebert), A bill to be entitled An Act relating to penalties for violating certain statutes relating to real property.

CSHB 1574 (by Bosse), A bill to be entitled An Act relating to the permitting of discharges from certain sewage treatment and disposal systems in certain counties.

CSHB 1588 (by Hope), A bill to be entitled An Act relating to providing notification of utility service connections to appraisal and emergency communication districts.

HB 1592 (by Junell, et al.), A bill to be entitled An Act relating to the state's share of the costs under the brush control cost-share program.

HB 1643 (by Chavez), A bill to be entitled An Act relating to an exception to the regulation of certain therapists under the Licensed Professional Counselor Act.

HB 1654 (by Maxey), A bill to be entitled An Act relating to the regulation of private sewage facilities; providing a criminal penalty.

HB 1660 (by Naishtat), A bill to be entitled An Act relating to closing the administration of a decedent's estate.

HB 1661 (by Naishtat), A bill to be entitled An Act relating to the final accounting of a decedent's or ward's estate.

HB 1662 (by Naishtat), A bill to be entitled An Act relating to investments of the estates of wards.

CSHB 1677 (by Janek), A bill to be entitled An Act relating to immunizations for elderly residents of nursing homes.

HB 1758 was withdrawn.

CSHB 1764 (by Farabee and Van de Putte), A bill to be entitled An Act relating to coverage by a health benefit plan of reconstructive breast surgery after mastectomy.

HB 1845 (by Swinford), A bill to be entitled An Act relating to voting by members of an agricultural cooperative marketing association.

HB 1877 (by Hope, et al.), A bill to be entitled An Act relating to the Montgomery County Juvenile Board.

HB 1894 (by Maxey), A bill to be entitled An Act relating to Medicaid third-party recoveries; providing a penalty.

Representative Maxey moved to postpone consideration of **HB 1894** until 10 a.m. Monday, April 26.

The motion prevailed without objection.

HB 1961 (by Grusendorf), A bill to be entitled An Act relating to fines collected for thwarting the compulsory school attendance law.

HB 1975 (by Swinford), A bill to be entitled An Act relating to the labeling requirements for drugs prescribed or dispensed for administration to animals in agricultural operations.

HB 1987 (by McCall), A bill to be entitled An Act relating to the examinations administered or accepted for licensure of physicians.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Maxey, Representative McCall offered the following committee amendment to **HB 1987**:

Amend **HB 1987** as follows:

(1) On page 3, line 9, strike "An" and substitute "Except as provided by Subsection (k) of this section, an".

(2) On page 3, between lines 11 and 12, insert:

(k) An applicant who is a graduate of a program designed to lead to both a doctor of philosophy degree and a doctor of medicine degree or doctor of osteopathy degree must pass each part of an examination described by Subsection (a)(2), (3), (4), (6), or (7) of this section not later than the second anniversary of the date the applicant was awarded a doctor of medicine degree or doctor of osteopathy degree.

(3) On page 3, line 12, strike "(k)" and substitute "(l)".

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Gutierrez, Representative McCall offered the following amendment to **HB 1987**:

Amend **HB 1987** as follows:

(1) On page 3, lines 12 and 13, strike "may not take an examination more than three times." and substitute the following: must pass each part of an examination within three attempts, except that an applicant who has passed all but one part of an examination within three attempts may take the remaining part of the examination one additional time.

(l) Notwithstanding Subsection (k) of this section, an applicant is considered to have satisfied the requirements of this section if the applicant:

(1) passed all but one part of an examination approved by the board before September 1, 1993, within three attempts and passed the remaining part of the examination within five attempts;

(2) is specialty board certified by:

(A) a board that is a member of the American Board of Medical Specialties; or

(B) a specialty board approved by the American Osteopathic Association;

(3) enrolled before September 1, 1993, in a postgraduate medical training program in this state approved by the board; and

(4) completed two years of postgraduate medical training in this state approved by the board.

(2) On page 5, between lines 23 and 24, insert the following SECTION, appropriately numbered, and renumber the subsequent SECTIONS of the bill accordingly:

SECTION _____. An applicant is considered to have satisfied the requirements of Section 3.05, Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes), as amended by this Act, if, before, on, or after the effective date of this Act, the applicant passed all but one part of an examination within three attempts and passed the remaining part of the examination on the fourth attempt.

Amendment No. 2 was adopted without objection.

HB 2089 (by Farabee), A bill to be entitled An Act relating to the establishment of a medical services fee at Midwestern State University.

Representative Farabee moved to postpone consideration of **CSHB 2089** until 10 a.m. Monday, April 26.

The motion prevailed without objection.

CSHB 2108 (by Cook and Dutton), A bill to be entitled An Act relating to state assistance for local parks and recreational, cultural resource, and open space areas.

HB 2109 (by Bonnen), A bill to be entitled An Act relating to limits on liability of a taxing unit for storage tanks.

SB 620 (Bosse - House Sponsor), in lieu of **HB 2150**, A bill to be entitled An Act relating to the eligibility of a delinquent child support obligor to receive state grants or loans or receive payment on state contracts.

Representative Truitt moved to lay **HB 2150** on the table subject to call.

The motion prevailed without objection.

HB 2181 (by Coleman), A bill to be entitled An Act relating to authorizing a recreational and wellness facility fee at the University of Houston.

CSHB 2208 (by Goodman, Van de Putte, Grusendorf, and Naishtat), A bill to be entitled An Act relating to the authority of the office of the attorney general to contract with a statewide organization to provide services to children's advocacy centers.

CSHB 2237 (by Cook, et al.), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Lost Pines Groundwater Conservation District.

HB 2268 was withdrawn.

CSHB 2301 (by Farabee), A bill to be entitled An Act relating to the disposition of the body of a deceased pauper.

HB 2303 (by Hope), A bill to be entitled An Act relating to the penalty for possession of a live game animal.

HB 2314 (by McReynolds), A bill to be entitled An Act relating to the requirements a person must meet to serve as a director of fire fighters' and police officers' civil service.

CSHB 2332 (by R. Lewis), A bill to be entitled An Act relating to the administration and consolidation of drainage districts.

CSHB 2374 (by Burnam), A bill to be entitled An Act relating to the financial guaranty requirements for certain owners, lienholders, and mortgagees of certain substandard buildings.

CSHB 2391 (by Gallego), A bill to be entitled An Act relating to the creation of the Presidio County Groundwater Conservation District.

CSHB 2406 (by Cuellar), A bill to be entitled An Act relating to a refund of sales and use taxes paid on items exported beyond the limits of the United States.

HB 2407 (by Flores), A bill to be entitled An Act relating to the handling and marketing of vegetables and fruit and to the payment of claims from the Produce Recovery Fund.

CSHB 2416 (by Keffer), A bill to be entitled An Act relating to the North Rannels County Hospital District.

HB 2432 was withdrawn.

HB 2434 (by Uher), A bill to be entitled An Act relating to insurance provided by or through certain development corporations created by certain political subdivisions.

HB 2439 (by Goodman), A bill to be entitled An Act relating to the modification of an order that designates a sole managing conservator for a child.

CSHB 2469 (by Ramsay), A bill to be entitled An Act relating to facilities requirements for county jails.

CSHB 2492 (by R. Lewis), A bill to be entitled An Act relating to contracts for and the financing of energy conservation measures taken by state agencies and political subdivisions.

CSHB 2522 (by Greenberg), A bill to be entitled An Act relating to the administration of retirement systems for paid, partly paid, or volunteer firefighters.

HB 2535 (by Thompson), A bill to be entitled An Act relating to the dismissal of certain offenses involving the failure to maintain financial responsibility for a motor vehicle.

HB 2537 (by Y. Davis), A bill to be entitled An Act relating to warranty performance obligations applicable to certain motor vehicles.

HB 2542 (by Hupp), A bill to be entitled An Act relating to the McCulloch County Hospital District.

CSHB 2597 (by McReynolds), A bill to be entitled An Act relating to emissions from certain hospital or medical disinfectants.

HB 2630 (by Bosse), A bill to be entitled An Act relating to the right of an authorized agent of the Texas Natural Resource Conservation Commission to institute a suit for injunctive relief or a civil penalty for a violation or threat of violation of the law regarding on-site sewage disposal systems.

Representative Bosse moved to postpone consideration of **HB 2630** until 10 a.m. Monday, April 26.

The motion prevailed without objection.

HB 2653 (by Elkins), A bill to be entitled An Act relating to the law that applies to a contract made over the Internet.

HB 2663 (by Ramsay), A bill to be entitled An Act relating to permitting a commissioners court to authorize payment of certain continuing education expenses incurred by elected county and precinct officers.

CSHB 2724 (by Pickett), A bill to be entitled An Act relating to the composition of the El Paso County Juvenile Board.

HB 2866 (by Kuempel), A bill to be entitled An Act relating to assistance funds for mandatory health care services provided in certain counties. (F. Brown, Corte, Heflin, and Swinford recorded voting no)

HB 2926 (by Walker), A bill to be entitled An Act relating to elections to approve consolidation of groundwater conservation districts.

HB 2930 (by Walker), A bill to be entitled An Act relating to the application of nepotism prohibitions to certain municipalities.

HB 2932 (by Cook), A bill to be entitled An Act relating to the designation of water quality protection zones in certain areas.

SB 141 (G. Lewis - House Sponsor), in lieu of **HB 2942**, A bill to be entitled An Act relating to the leasing of real property owned or controlled by certain counties.

Representative G. Lewis moved to lay **HB 2942** on the table subject to call.

The motion prevailed without objection.

CSHB 2966 (by Hilbert), A bill to be entitled An Act relating to the authority of certain hospital authorities to provide facilities and services for the elderly or disabled.

HB 3008 (by Greenberg), A bill to be entitled An Act relating to credit in the Employees Retirement System of Texas for certain out-of-state service.

HB 3101 (by Truitt), A bill to be entitled An Act relating to a court's consideration of the child support guidelines for single and multiple families.

CSHB 3122 (by Chisum), A bill to be entitled An Act relating to the powers, duties, and operations of the Dallam-Hartley Counties Hospital District.

HB 3130 (by Chisum), A bill to be entitled An Act relating to the judges empowered to waive the waiting period for a marriage ceremony.

CSHB 3133 (by Chisum), A bill to be entitled An Act relating to contracts and obligations of the Stratford Hospital District.

HB 3232 (by Keffer), A bill to be entitled An Act relating to the Eastland Memorial Hospital District.

HB 3256 (by Farrar), A bill to be entitled An Act relating to the exchange of information related to a special needs offender.

CSHB 3271 (by Goodman), A bill to be entitled An Act relating to the coordination of child support collection and parent location functions of certain state agencies.

HB 3319 (by Cuellar), A bill to be entitled An Act relating to the approval of certain construction projects by the Texas Higher Education Coordinating Board.

HB 3330 (by Walker), A bill to be entitled An Act relating to the administration of regulations for water well drillers and water well pump installers.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative R. Lewis, Representative Walker offered the following committee amendment to **HB 3330**:

Amend **HB 3330** as follows:

On page 1, line 14, insert a new subsection to read:

(3) failing to register a well as required by Section 36.117(g), Water Code.

Renumber subsequent subsections (3)-(5) accordingly.

Amendment No. 1 was adopted without objection.

HB 3412 (by Merritt), A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of Gregg County.

HB 3476 (by Averitt), A bill to be entitled An Act relating to the testing of LP-gas piping systems in school facilities.

HB 3554 (by Deshotel), A bill to be entitled An Act relating to correcting the statutory description of the boundaries of the Port Arthur Navigation District.

HB 3591 (by Keel and T. King), A bill to be entitled An Act relating to the addition of land to a defined area of a water control and improvement district.

CSHB 3790 (by McClendon), A bill to be entitled An Act relating to the ability of an employee of a public housing authority to participate in certain contracts or agreements for housing assistance.

HCR 66 (by Flores), Designating Mission the Home of the Grapefruit.

HCR 96 (by Coleman), Directing the Texas Health and Human Services Commission to maximize federal funding for outreach activities related to children's health insurance. (Berman, B. Brown, Carter, Chisum, Corte, Crabb, J. Davis, Green, Heflin, Howard, Shields, Swinford, and Wohlgenuth recorded voting no)

RULES SUSPENDED

Representative R. Lewis moved to suspend the 5-day posting rule to allow the Committee on Energy Resources to consider **HB 3312**, **HB 3696**, and **HB 3719**.

The motion prevailed without objection.

Representative Walker moved to suspend the 5-day posting rule to allow the Committee on Land and Resource Management to consider **HB 2782**, and **HB 3809** on Monday, April 19.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Financial Institutions, on first adjournment today, Desk 26, for a formal meeting, to consider pending business.

Calendars, on first adjournment today, speakers committee room, for a formal meeting, to consider bills to be placed on the calendar.

ADJOURNMENT

Representative Walker moved that the house adjourn until 12:30 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:16 p.m., adjourned until 12:30 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 30

HCR 38

MESSAGES FROM THE SENATE

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

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, April 16, 1999

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

LOCAL AND UNCONTESTED CALENDAR

HB 229 West, George "Buddy" SPONSOR: Duncan
Relating to student union fees at The University of Texas of the Permian Basin.

SB 32 Shapiro
Relating to the mandatory detention of a juvenile for engaging in certain conduct.

SB 149 Harris
Relating to student intercollegiate athletic fees at The University of Texas at Arlington.

SB 173 Cain
Relating to the creation of municipal courts of record in Tyler.

SB 258 West, Royce
Relating to the applicability of the Hazard Communication Act to certain inmates of the Texas Department of Criminal Justice.

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

SB 491 Luna, Gregory
Relating to legal services provided to school districts.

SB 518 Cain
Relating to licensing requirements for the operation of certain farm vehicles and trailers on the highways.

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

SB 562 Duncan
Relating to student fees charged by Texas Tech University.

SB 672 Moncrief
Relating to restoring lost sick leave to a former state employee returning to state employment.

SB 686 Brown, J. E. "Buster"

Relating to a child support lien.

SB 691 Lucio

Relating to the financing and administration of a program for public library development.

SB 736 Armbrister

Relating to the investment of funds of a nonprofit water supply or sewer service corporation.

SB 746 Shapleigh

Relating to student union fees at The University of Texas at El Paso.

SB 760 Duncan

Relating to magistrates in Lubbock County.

SB 821 Armbrister

Relating to the authority of a county to operate a water or sewer utility system; granting the power of eminent domain and the authority to issue bonds.

SB 871 Barrientos

Relating to the co-ownership of certain entities by physicians and podiatrists.

SB 916 Wentworth

Relating to notices of open meetings posted by the secretary of state.

SB 940 Armbrister

Relating to student fees for bus services at Southwest Texas State University.

SB 969 Lindsay

Relating to form specifications for recording certain legal instruments.

SB 979 Haywood

Relating to the adoption of a medical services fee at Midwestern State University.

SB 1001 Wentworth

Relating to multicounty statutory probate courts.

SB 1005 Wentworth

Relating to the jurisdiction of a statutory probate court in certain matters relating to decedents' estates.

SB 1013 Duncan

Relating to increasing the flexibility in the types of projects which housing finance corporations may finance.

SB 1060 Bivins

Relating to the boards of trustees of certain special-purpose school districts.

SB 1064 Fraser

Relating to the appointment of an advisory committee to study unjustified double recovery in certain civil actions.

- SB 1070** Bivins
Relating to the creation of an administrative penalty for certain violations relating to the production of oil and gas.
- SB 1085** Harris
Relating to forming a professional association for the practice of dentistry.
- SB 1107** Shapleigh
Relating to information on certain programs and services to assist certain communities and entities impacted by the North American Free Trade Agreement.
- SB 1122** Armbrister
Relating to circumstances in which cigarettes may not be affixed with stamps or sold; providing penalties.
- SB 1133** Madla
Relating to the inclusion of nursing in the definition of professional services for purposes of the Professional Services Procurement Act.
- SB 1155** Carona
Relating to the allocation and reservation system for certain tax-exempt private activity bonds.
- SB 1234** Nelson
Relating to the expansion and funding of the Texas Integrated Funding Initiative of the Health and Human Services Commission.
- SB 1237** Nelson
Relating to the administration of pharmacy benefits under certain health benefit plans.
- SB 1238** Nelson
Relating to accreditation of environmental testing laboratories.
- SB 1239** Nelson
Relating to the Texas Department of Health's regulation of certain food establishments.
- SB 1248** Nelson
Relating to Medicaid third-party recoveries; providing a penalty.
- SB 1249** Nelson
Relating to the regulation of ambulatory surgical centers; providing a penalty.
- SB 1280** Wentworth
Relating to an exemption from the requirements of the open meetings law for certain negotiations involving the Texas Lottery Commission.
- SB 1306** Brown, J. E. "Buster"
Relating to the definition of hazardous waste.
- SB 1307** Brown, J. E. "Buster"
Relating to the right of an authorized agent of the Texas Natural Resource Conservation Commission to institute a suit for injunctive relief or a civil penalty for a violation or threat of violation of the law regarding on-site sewage disposal systems.

- SB 1308** Brown, J. E. "Buster"
Relating to approval of water quality management plans by the Texas Natural Resource Conservation Commission.
- SB 1309** Brown, J. E. "Buster"
Relating to the clarification of issues involved in consolidation of the enforcement authority of the Texas Natural Resource Conservation Commission; providing penalties.
- SB 1310** Brown, J. E. "Buster"
Relating to providing for representation of agricultural interests in water resource planning and management.
- SB 1311** Brown, J. E. "Buster"
Relating to the development and management of the water resources.
- SB 1361** Harris
Relating to the use of a declaration for mental health treatment.
- SB 1451** West, Royce
Relating to the disposition of surplus and salvage property of certain institutions of higher education.
- SB 1487** Armbrister
Relating to the authority of the Texas Department of Transportation and the Texas Turnpike Authority division of the Texas Department of Transportation to implement an automated enforcement system on toll roads; providing criminal penalties.
- SB 1545** Sibley
Relating to burials in the State Cemetery.
- SB 1546** Sibley
Relating to property dedicated to the State Cemetery.
- SB 1555** Fraser
Relating to administration of bond and other programs by the Veterans' Land Board.
- SB 1569** West, Royce
Relating to the leasing of classroom space for an institution of higher education.
- SB 1587** Zaffirini
Relating to the detection of fraud, waste, and abuse in the state Medicaid program.
- SB 1588** Zaffirini
Relating to fraud control procedures for the Medicaid managed care program.
- SB 1589** Zaffirini
Relating to fraudulent claims for medical or health care benefits submitted under certain state programs.
- SB 1590** Zaffirini
Relating to the prevention, investigation, and prosecution of fraud in the workers' compensation program for state employees.

SB 1641 Nixon, Drew

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

SB 1642 Nixon, Drew

Relating to appraisal review board meetings.

SB 1730 Lucio

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

SB 1738 Harris

Relating to the standard order for possession of or access to a child.

SB 1763 Barrientos

Relating to certain fees charged at certain institutions of higher education.

SB 1765 Barrientos

Relating to certain fees charged at certain institutions of higher education.

Respectfully,

Betty King

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Friday, April 16, 1999 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 6 West, George "Buddy" SPONSOR: Duncan
Honoring Tatum Hubbard, Miss Texas, 1998.

HCR 174 McReynolds SPONSOR: Duncan
Honoring Ward Burke for his dedicated community service.

HCR 233 McReynolds SPONSOR: Duncan
Honoring Woodrow W. "Woody" Allen.

SB 71 Brown, J. E. "Buster"

Relating to the creation of the Judicial Compensation Commission.

SB 73 Truan

Relating to the establishment of a video teleconferencing pilot program to assist certain businesses in establishing international trade relationships.

- SB 200** Moncrief
Relating to imposition of administrative penalties against personal care facilities.
- SB 352** Brown, J. E. "Buster"
Relating to requirements for membership on or employment by the Board of Pardons and Paroles.
- SB 370** Brown, J. E. "Buster"
Relating to the continuation and functions of the Department of Public Safety of the State of Texas.
- SB 501** Shapleigh
Relating to a state agency's strategic plan for serving geographic regions of the state, including the border region.
- SB 751** Sibley
Relating to the composition of the University of North Texas System.
- SB 782** Nelson
Relating to disclosure requirements for certain patient health information; providing a criminal penalty.
- SB 950** Duncan
Relating to submetered and nonsubmetered water utility service provided to residents of apartment houses and manufactured home rental communities.
- SB 964** Lucio
Relating to the regulation of dentists and dental hygienists.
- SB 1049** Moncrief
Relating to venue for certain judicial actions involving intermediate care facilities for the mentally retarded.
- SB 1058** Carona
Relating to the revision of the uniform law on secured transactions.
- SB 1076** Carona
Relating to certain types of noncredit insurance and other products offered in connection with a consumer loan.
- SB 1095** Zaffirini
Relating to nutritional assistance for certain legal immigrants.
- SB 1129** Armbrister
Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.
- SB 1136** Shapleigh
Relating to a border commerce coordinator in the governor's office.
- SB 1509** Truan
Relating to the maximum number and amount of certain veteran's loans.
- SB 1578** West, Royce
Relating to the creation of a statewide law enforcement gang resource system.

SJR 10 Brown, J. E. "Buster"

Proposing a constitutional amendment relating to the creation of a judicial compensation commission.

Respectfully,

Betty King
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, April 16, 1999 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 99 Gallego SPONSOR: Madla
Honoring the Kickapoo Traditional Tribe of Texas.

HCR 114 Pitts SPONSOR: Nelson
Declaring April 10, 1999, Senior Citizens' Day in Texas.

HCR 154 Gallego SPONSOR: Madla
In memory of Minerva C. Uranga.

HCR 170 Gallego SPONSOR: Madla
In memory of Mary E. Dunlap.

HCR 172 Gallego SPONSOR: Madla
In memory of Evelyn Poag Prude.

HCR 231 Gallego SPONSOR: Madla
In memory of Bruce McKenzie.

Respectfully,

Betty King
Secretary of the Senate