

# HOUSE JOURNAL

SEVENTY-SIXTH LEGISLATURE, REGULAR SESSION

## PROCEEDINGS

EIGHTY-THIRD DAY (CONTINUED) — WEDNESDAY, MAY 26, 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 469).

Present — Mr. Speaker; Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddock; Cuellar; Culbertson; 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, 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; 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; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Giddings.

The invocation was offered by Bill Townsley, pastor, First Baptist Church, DeKalb, as follows:

Heavenly Father, we come to you in the precious name of the Lord, Jesus Christ. Thank you for the opportunity to begin today's session in prayer. We thank you for the great privilege of being born under the broad stripes and the bright stars of Old Glory. And now as this house of representatives convenes, help each person to make wise decisions which will shape the moral and social structures of our great State of Texas. I ask that you grant wisdom, discernment, and stamina to our Governor Bush and each representative as he fulfills the work of the day. May your unseen hand of grace continue to be upon our families as well.

Lord, we recognize your sovereignty and are accountable to you. Father, you remind us that, "When the righteous are in authority, the people rejoice, but when the wicked beareth rule, the people mourn." Take our lives today and empower us by the Holy Spirit to do your will. Lead us to be bright, shining witnesses of your glory and grace in a world that desperately needs spiritual renewal.

May we claim your promise as our own: "If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways, then will I hear from heaven, and will forgive their sin, and will heal their land" (2 Chronicles 7:14). Lord, we ask for mercy and continued healing of our state and nation. Bless us as we follow your guidance. We offer these requests in the saving name of Jesus. Amen.

### LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today and the remainder of the session because of medical reasons:

Crownover on motion of Hardcastle.

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

Corte on motion of Kuempel.

### CAPITOL PHYSICIAN

The speaker recognized Representatives Truitt and Carter who presented Dr. Justin Bartos of Keller as the "Doctor for the Day."

The house welcomed Dr. Bartos and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Giddings now present)

### HR 1024 - ADOPTED (by Green)

Representative Green moved to suspend all necessary rules to take up and consider at this time **HR 1024**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1024**, Recognizing Lockhart as the Barbecue Capital of Texas.

**HR 1024** was read and was adopted without objection.

### INTRODUCTION OF GUESTS

The speaker recognized Representative Green, who introduced representatives from barbecue establishments in Lockhart.

### HR 1016 - ADOPTED (by Hope)

Representative Hope moved to suspend all necessary rules to take up and consider at this time **HR 1016**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1016**, Honoring Patrick Brown for his myriad accomplishments.

**HR 1016** was read and was adopted without objection.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Hope, who introduced Patrick Brown and his family.

**HR 1211 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1211**, suspending the limitations on the conferees for **HB 1**.

**HR 1210 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1210**, suspending the limitations on the conferees for **HB 3799**.

**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. 63).

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Chisum, who introduced J. C. McCollough and his family.

**HR 347**, commending J. C. McCollough for his 50 years in real estate, having been previously adopted, was read.

**INTRODUCTION OF GUEST**

The speaker recognized Representative Eiland, who introduced Daniel B. Kulvicki.

**HR 761**, honoring Daniel B. Kulvicki for his efforts in promoting S.T.A.R. Day, having been previously adopted, was read.

**HR 956 - ADOPTED**  
**(by Hunter and B. Turner)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 956**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 956**, Honoring the 30th anniversary of the Texas Special Olympics Summer Games and the Texas Law Enforcement Torch Run.

**HR 956** was adopted without objection.

**HR 1029 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1029**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1029**, Congratulating Kate Paddock on her outstanding writing achievements at the UIL Class 4A state competition.

**HR 1029** was read and was adopted without objection.

**HR 1031 - ADOPTED**  
**(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 1031**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1031**, Congratulating Janet Elbom on her receipt of the 1999 Max R. Haddick Teacher of the Year Award.

**HR 1031** was read and was adopted without objection.

**HR 1208 - ADOPTED**  
**(by Noriega)**

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HR 1208**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1208**, Honoring Colleen Wooten Jenkins as she retires from Reliant Energy.

**HR 1208** was adopted without objection.

On motion of Representative Coleman, the names of all the members of the house were added to **HR 1208** as signers thereof.

**HR 1081 - ADOPTED**  
**(by Coleman)**

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 1081**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1081**, Congratulating Lyndon B. Johnson General Hospital in Houston on its 10-year anniversary.

**HR 1081** was adopted without objection.

**HR 1044 - ADOPTED**  
**(by Bailey)**

Representative Cuellar moved to suspend all necessary rules to take up and consider at this time **HR 1044**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1044**, In memory of legendary Texas fiddler Leon "Pappy" Selph.

**HR 1044** was unanimously adopted by a rising vote.

**HCR 300 - ADOPTED**

(by Bosse)

The following privileged resolution was laid before the house:

**HCR 300**

WHEREAS, **HB 1976** has been adopted by the house of representatives and the senate; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED, That the enrolling clerk of the house of representatives be hereby instructed to correct **HB 1976**, on page 17 of the house engrossment, by striking lines 1-7 to remove Section 21.454, Labor Code, the text of which was to have been superseded by a new section added by senate committee amendment no. 1 but which was not stricken by that amendment.

**HCR 300** was adopted without objection.

**HCR 302 - ADOPTED**

(by Counts)

The following privileged resolution was laid before the house:

**HCR 302**

WHEREAS, **HB 3050** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains a technical error that should be corrected; now, therefore, be it

RESOLVED by the 76th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 3050** by striking Section 46.004(d), Agriculture Code, as added by Senate Floor Amendment No. 1, and substituting the following:

(d) Supplies, materials, services, and equipment purchased with funds obtained under this section are not subject to General Services Commission authority.

**HCR 302** was adopted without objection.

**HCR 297 - ADOPTED**

(by Siebert)

The following privileged resolution was laid before the house:

**HCR 297**

WHEREAS, **HB 3091** has been adopted by the house of representatives and the senate and is being prepared for enrollment; and

WHEREAS, The bill contains technical errors that should be corrected; now, therefore, be it

RESOLVED by the 75th Legislature of the State of Texas, That the enrolling clerk of the house of representatives be instructed to correct **HB 3091** by striking Section 5, Article 9026c, Revised Statutes, as added by Senate Amendment No. 1, and substituting the following:

Sec. 5. PROHIBITED REPRESENTATIONS. No oral or written representations shall be made by any employee or agent of the rental company which contradict the provisions of this article. No coercive language or action shall be used by any employee or agent of the rental company in an attempt to persuade a renter to purchase the damage waiver. For the purposes of this section, if the renter has declined the damage waiver, further statements or questions by an employee or agent of the rental company making reference to the damage waiver, other than a statement that the waiver has been declined made in conjunction with a review of the rental agreement, shall be deemed coercive.

**HCR 297** was adopted without objection.

### **HB 1362 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Clark submitted the following conference committee report on **HB 1362**:

Austin, Texas, May 17, 1999

Honorable Rick Perry  
President of the Senate

Honorable Pete Laney  
Speaker of the House of Representatives

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on **HB 1362** have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Ogden	Clark
Fraser	Krusee
Moncrief	Crabb
Madla	Howard
Lindsay	Hardcastle
On the part of the Senate	On the part of the House

**HB 1362**, A bill to be entitled An Act relating to the selection of appraisers for the dermination of compensation paid to a certain retail public utilities on annexation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
SECTION 1. Section 13.255, Water Code, is amended by amending Subsection (l) to read as follows:

(l) For an area incorporated by a municipality, the [The] compensation provided under Subsection (g) shall be determined by a qualified individual or firm to serve as independent appraiser, who shall be selected by the affected retail public utility, and the costs of the appraiser shall be paid by the municipality. For an area annexed by a municipality, the compensation

provided under Subsection (g) shall be determined by a qualified individual or firm to which the municipality and the retail public utility agree to serve as independent appraiser. If the retail public utility and the municipality are unable to agree on a single individual or firm to serve as the independent appraiser before the 11th day after the date the retail public utility or municipality notifies the other party of the impasse, the retail public utility and municipality each shall appoint a qualified individual or firm to serve as independent appraiser. On or before the 10th business day after the date of their appointment, the independent appraisers shall meet to reach an agreed determination of the amount of compensation. If the appraisers are unable to agree on a determination before the 16th business day after the date of their first meeting under this subsection, the retail public utility or municipality may petition the commission or a person the commission designates for the purpose to appoint a third qualified independent appraiser to reconcile the appraisals of the two originally appointed appraisers. The determination of the third appraiser may not be less than the lesser or more than the greater of the two original appraisals. The costs of the independent appraisers for an annexed area shall be shared equally by the retail public utility and the municipality. The determination of compensation under this subsection is [by the independent appraiser shall be] binding on the commission. [The costs of the independent appraiser shall be borne by the municipality.]

SECTION 2. The changes in law made by this Act apply only to an application filed with the Texas Natural Resource Conservation Commission to grant single certification to a municipality under Section 13.255(b), Water Code, that is filed on or after September 1, 1999. An application to grant single certification filed with the commission under that section before September 1, 1999, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 1999.

SECTION 4. 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.

Representative Clark moved to adopt the conference committee report on **HB 1362**.

The motion prevailed without objection.

#### **SB 801 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Maxey submitted the conference committee report on **SB 801**.

Representative Maxey moved to adopt the conference committee report on **SB 801**.

A record vote was requested.

The motion prevailed by (Record 470): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Cuellar; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Gallego; Garcia; George; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; 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; 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; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Brown, F.; Flores; Hill.

### **SB 1129 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Kuempel submitted the conference committee report on **SB 1129**.

Representative Kuempel moved to adopt the conference committee report on **SB 1129**.

The motion prevailed without objection.

### **HB 98 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative A. Reyna called up with senate amendments for consideration at this time,

**HB 98**, A bill to be entitled An Act relating to the fiscal year of a school district and to the submission to a school district of an estimate of the taxable value of school district property.

On motion of Representative A. Reyna, the house concurred in the senate amendments to **HB 98**.

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

Amend **HB 98** as follows:

(1) In SECTION 1 of the bill, in proposed Section 44.0011, Education Code (Senate Committee Report, page 1, line 16), between "July 1" and "of each year", insert "or September 1".



(2) In SECTION 1 of the bill, in proposed Section 44.0011, Education Code (Senate Committee Report, page 1, line 16), between "each year" and the period, insert ", as determined by the board of trustees of the district".

(3) In SECTION 1 of the bill, in proposed Section 44.0011, Education Code (Senate Committee Report, page 1, line 16), after the period, insert the following:

The commissioner may adopt rules concerning the submission of information by a district under Chapter 39 or 42 based on the fiscal year of the district.

(4) Strike SECTION 3 of the bill (Senate Committee Report, page 1, lines 25 through 29).

(5) Renumber SECTIONS 4 and 5 of the bill as SECTIONS 3 and 4.

### **HB 245 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 245**, A bill to be entitled An Act relating to the procedures for determining whether a defendant sentenced to death is incompetent for purposes of execution.

On motion of Representative Gallego, the house concurred in the senate amendments to **HB 245**.

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

Amend **HB 245** by striking everything below the enacting clause and substituting the following:

SECTION 1. Chapter 46, Code of Criminal Procedure, is amended by adding Article 46.04 to read as follows:

Art. 46.04. COMPETENCY TO BE EXECUTED. (a) A person who is incompetent to be executed may not be executed.

(b) The trial court retains jurisdiction over motions filed by or for a defendant under this article.

(c) A motion filed under this article must identify the proceeding in which the defendant was convicted, give the date of the final judgment, set forth the fact that an execution date has been set if the date has been set, and clearly set forth alleged facts in support of the assertion that the defendant is presently incompetent to be executed. The defendant shall attach affidavits, records, or other evidence supporting the defendant's allegations or shall state why those items are not attached. The defendant shall identify any previous proceedings in which the defendant challenged the defendant's competency in relation to the conviction and sentence in question, including any challenge to the defendant's competency to be executed, competency to stand trial, or sanity at the time of the offense. The motion must be verified by the oath of some person on the defendant's behalf.

(d) On receipt of a motion filed under this article, the trial court shall determine whether the defendant has raised a substantial doubt of the defendant's competency to be executed on the basis of:

(1) the motion, any attached documents, and any responsive pleadings; and

(2) if applicable, the presumption of competency under Subsection (e).

(e) If a defendant is determined to have previously filed a motion under this article, and has previously been determined to be competent to be executed, the previous adjudication creates a presumption of competency and the defendant is not entitled to a hearing on the subsequent motion filed under this article, unless the defendant makes a prima facie showing of a substantial change in circumstances sufficient to raise a significant question as to the defendant's competency to be executed at the time of filing the subsequent motion under this article.

(f) If the trial court determines that the defendant has made a substantial showing of incompetency, the court shall order at least two mental health experts to examine the defendant using the standard described by Subsection (h) to determine whether the defendant is incompetent to be executed.

(g) If the trial court does not determine that the defendant has made a substantial showing of incompetency, the court shall deny the motion.

(h) A defendant is incompetent to be executed if the defendant does not understand:

(1) that he or she is to be executed and that the execution is imminent; and

(2) the reason he or she is being executed.

(i) Mental health experts who examine a defendant under this article shall provide within a time ordered by the trial court copies of their reports to the attorney representing the state, the attorney representing the defendant, and the court.

(j) By filing a motion under this article, the defendant waives any claim of privilege with respect to, and consents to the release of, all mental health and medical records relevant to whether the defendant is incompetent to be executed.

(k) If, on the basis of reports provided under Subsection (i), the motion, any attached documents, any responsive pleadings, and any evidence introduced in the final competency hearing, the trial court makes a finding by a preponderance of the evidence that the defendant is incompetent to be executed, the clerk shall send immediately to the court of criminal appeals in accordance with Section 8(d), Article 11.071, the appropriate documents for that court's determination of whether any existing execution date should be withdrawn and a stay of execution issued. If a stay of execution is issued by the court of criminal appeals, the trial court periodically shall order that the defendant be reexamined by mental health experts to determine whether the defendant is no longer incompetent to be executed.

(l) If the trial court does not make the finding as described by Subsection (k), the court may set an execution date as otherwise provided by law.

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

**HB 352 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 352**, A bill to be entitled An Act relating to the limit on fines collected by municipalities for traffic violations.

Representative Denny 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 352**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 352**: Denny, chair, Alexander, Madden, Y. Davis, and Hawley.

**HR 1212 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1212**, suspending the limitations on the conferees for **SB 177**.

**HB 400 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 400**, A bill to be entitled An Act relating to the creation of certain district courts.

Representative Thompson 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 400**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 400**: Thompson, chair, J. Solis, Hinojosa, Haggerty, and Uresti.

**HB 580 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 580**, A bill to be entitled An Act relating to automated external defibrillator devices.

On motion of Representative Janek, the house concurred in the senate amendments to **HB 580**.

**Senate Amendment No. 1**

Amend **HB 580** in SECTION 2 of the bill, in Section 74.001(a), Civil Practice and Remedies Code (engrossed version, page 4, line 2), strike "or entity that [who]" and substitute "who".

**HB 714 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Naishtat, the house concurred in the senate amendments to **HB 714**.

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

Amend **HB 714**, adding an appropriately numbered SECTION to read as follows:

"SECTION 10. 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."

Renumber subsequent section.

**Senate Amendment No. 2**

Amend **HB 714** as follows:

(1) In SECTION 1 of the bill, in added Section 47.003(a), Health and Safety Code (Senate committee report, page 2, line 8), strike "if hearing loss is identified".

(2) In SECTION 1 of the bill, strike added Section 47.004(b)(5), Health and Safety Code (Senate committee report, page 2, lines 32-34), and substitute the following:

(5) provide information, as recommended by the department, to the parents on follow-up services for newborns and infants with abnormal screening results.

(3) In SECTION 1 of the bill, in added Section 47.007(c), Health and Safety Code (Senate committee report, page 3, lines 12-15), strike "a newborn is included in the information management, reporting, and tracking system or any information relating to the newborn or infant is released through the system" and substitute "any information individually identifying the newborn or infant is released through the information management, reporting, and tracking system".

(4) In SECTION 1 of the bill, in added Section 47.008(c), Health and Safety Code (Senate committee report, page 3, line 31), between "any" and "information", insert "individually identifying".

**HB 734 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 734**, A bill to be entitled An Act relating to the conversion of separate property to community property.

On motion of Representative Goodman, the house concurred in the senate amendments to **HB 734**.

### Senate Amendment No. 1

Amend **HB 734** as follows:

(1) Add the following appropriately numbered sections and renumber the sections of the bill as appropriate:

SECTION \_\_\_\_\_. Subchapter A, Chapter 3, Family Code, is amended by adding Section 3.006 to read as follows:

Sec. 3.006. PROPORTIONAL OWNERSHIP OF PROPERTY BY MARITAL ESTATES. (a) If the community estate of the spouses and the separate estate of a spouse have an ownership interest in property, the respective ownership interests of the marital estates are determined by the rule of inception of title.

(b) An equitable interest created by Subchapter E:

(1) does not create an ownership interest in a spouse's separate property; and

(2) creates a claim against the spouse who owns the property that matures on termination of the marriage.

SECTION \_\_\_\_\_. Chapter 3, Family Code, is amended by adding Subchapter E to read as follows:

#### SUBCHAPTER E. EQUITABLE INTEREST OF COMMUNITY ESTATE IN ENHANCED VALUE OF SEPARATE PROPERTY

Sec. 3.401. ENHANCEMENT IN VALUE DUE TO FINANCIAL CONTRIBUTION OF COMMUNITY PROPERTY. (a) The enhancement in value during a marriage of separate property owned by a spouse due to a financial contribution made with community property creates an equitable interest of the community estate in the separate property.

(b) The equitable interest created under this section is measured by the net amount of the enhancement in value of the separate property during the marriage due to the financial contribution made with community property.

Sec. 3.402. USE OF COMMUNITY PROPERTY TO DISCHARGE DEBT ON SEPARATE PROPERTY. (a) The use of community property to discharge all or part of a debt on separate property owned by a spouse during a marriage creates an equitable interest of the community estate in the separate property.

(b) The equitable interest created under Subsection (a) in the enhanced value of separate property due to financial contributions made with community property is computed by multiplying the net enhanced value of the separate property by the sum created by dividing:

(1) the total amount of the payments made by the community estate to reduce the principal of the debt on the separate property; by

(2) the sum of:

(A) the amount computed under Subdivision (1);

(B) the total amount of the payments made by the separate estate to reduce the principal on the debt; and

(C) the total amount of any additional amount spent by the separate estate to acquire the interest in the property.

(c) For purposes of this section, the cost of any improvements made to the separate property paid for by either the separate or community estate is included as part of the principal of the debt.

Sec. 3.403. APPLICATION OF INCEPTION OF TITLE RULE. (a) This subchapter does not affect the rule of inception of title under which the character of property is determined at the time the right to the property is acquired.

(b) The equitable interest created under this subchapter does not create an ownership interest in property.

Sec. 3.404. EQUITABLE INTEREST OF SEPARATE PROPERTY ESTATE. (a) The separate estate of a spouse has an equitable interest in the enhanced value of the separate estate of the other spouse or in the enhanced value of the community estate for:

(1) a financial contribution made to the other separate estate or to the community estate; and

(2) the discharge of all or part of a debt of the other separate estate or of the community estate.

(b) The equitable interest created by this section is measured in the manner provided by Section 3.401(b) or 3.402(b), as appropriate.

Sec. 3.405. USE AND ENJOYMENT OF PROPERTY. The use and enjoyment of property during a marriage does not create a claim of offsetting benefits to the equitable interest created by this subchapter.

Sec. 3.406. EQUITABLE LIEN. On termination of a marriage, the court shall impose an equitable lien on community or separate property to secure a claim arising by reason of an equitable interest as provided by this subchapter.

SECTION \_\_\_\_\_. Section 7.002, Family Code, is amended to read as follows:

Sec. 7.002. DIVISION OF PROPERTY UNDER SPECIAL CIRCUMSTANCES. In addition to the division of the estate of the parties required by Section 7.001, in a decree of divorce or annulment the court shall order a division of the following real and personal property, wherever situated, in a manner that the court deems just and right, having due regard for the rights of each party and any children of the marriage:

(1) property that was acquired by either spouse while domiciled in another state and that would have been community property if the spouse who acquired the property had been domiciled in this state at the time of the acquisition; [or]

(2) property that was acquired by either spouse in exchange for real or personal property and that would have been community property if the spouse who acquired the property so exchanged had been domiciled in this state at the time of its acquisition; or

(3) the equitable interest, as provided by Subchapter E, Chapter 3, of the:

(A) community estate in the separate estate of a spouse;

(B) separate property of a spouse in the separate property of the other spouse; and

(C) separate estate of a spouse in the community estate.

(2) Strike SECTION 2 of the bill and substitute the following appropriately numbered section:

SECTION \_\_\_\_\_. (a) Except as provided by this section, this Act takes effect September 1, 1999.

(b) The change in law made by this Act by the addition of Subchapter C, Chapter 4, Family Code, takes effect January 1, 2000, but only if the constitutional amendment proposed by the 76th Legislature, Regular Session, 1999, relating to the conversion of separate property to community property, is approved by the voters. If the proposed constitutional amendment is not approved by the voters, that subchapter does not take effect.

(c) The change in law made by this Act by the enactment of Section 3.006, Family Code, and Subchapter E, Chapter 3, Family Code, and by the amendment of Section 7.002, Family Code, applies to a suit for dissolution of a marriage pending on September 1, 1999, or filed on or after that date.

**HB 804 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

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

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

On motion of Representative Gallego, the house concurred in the senate amendments to **HB 804**.

**Senate Amendment No. 1**

Amend **HB 804** in SECTION 1 of the bill (senate committee printing page 2, line 32), in added Section 46.0031(e), Government Code, after the period, by adding the following:

This subsection does not apply to a county attorney who is responsible for the prosecution of juvenile justice cases under Title 3, Family Code.

**HB 926 - HOUSE CONCURS IN SENATE AMENDMENTS**  
**TEXT OF SENATE AMENDMENTS**

Representative J. Solis called up with senate amendments for consideration at this time,

**HB 926**, A bill to be entitled An Act relating to the penalty for tampering with certain governmental records.

On motion of Representative J. Solis, the house concurred in the senate amendments to **HB 926**.

**Senate Amendment No. 1**

Amend **HB 926**, in SECTION 1 of the bill, in amended Section 37.10(d), Penal Code (Senate Committee Report, page 1, line 15), by striking "or document" and substituting "report, or assessment instrument required under Chapter 39, Education Code,".

**HB 1104 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 1104**, A bill to be entitled An Act relating to parental involvement programs in public schools.

Representative Dunnam 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 1104**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1104**: Dunnam, chair, A. Reyna, Hochberg, Lengefeld, and Smith.

**HB 1275 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS**

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

**HB 1275**, A bill to be entitled An Act relating to providing a parent with a copy of a special education student's education plan translated into the parent's native language.

Representative Luna moved that the house concur in the senate amendments to **HB 1275**.

Representative Hill offered a substitute motion that the house not concur and that a conference committee be requested to adjust the differences between the two houses on the bill.

Representative Luna moved to table the substitute motion to not concur in the senate amendments to **HB 1275**.

A record vote was requested.

The vote of the house was taken on the motion to table the substitute motion to not concur in the senate amendments to **HB 1275** and the vote was announced yeas 71, nays 70.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 471): 65 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Alvarado; Bailey; Bosse; Burnam; Capelo; Chavez; Coleman; Danburg; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Ehrhardt; Eiland; Farabee; Farrar; Flores; Gallego; Glaze; Gray; Greenberg; Gutierrez; Haggerty; Hawley; Hinojosa; Hochberg; Homer; Jones, J.; King, P.; King, T.; Lengefeld; Lewis, G.; Longoria; Luna; Maxey; McClendon; McReynolds; Merritt;



Moreno, J.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Puente; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Solis, J.; Solis, J. F.; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Wise; Yarbrough; Zbranek.

Nays — Alexander; Allen; Averitt; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Carter; Chisum; Christian; Clark; Cook; Counts; Crabb; Craddick; Culberson; Davis, J.; Delisi; Denny; Driver; Elkins; Ellis; Goodman; Goolsby; Green; Grusendorf; Hamric; Hardcastle; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hope; Howard; Hunter; Hupp; Isett; Janek; Jones, C.; Keel; Keffer; Krusee; Kuempel; Lewis, R.; Madden; Marchant; Mowery; Nixon; Palmer; Pitts; Ramsay; Reyna, E.; Seaman; Shields; Siebert; Smith; Smithee; Solomons; Staples; Swinford; Talton; Truitt; Walker; West; Williams; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Crownover; Jones, D.

Absent — Cuellar; Edwards; Garcia; George; Giddings; Hodge; Junell; McCall; Moreno, P.; Telford; Wilson; Wolens.

The speaker stated that the motion to table was lost by the above vote.

#### STATEMENT OF VOTE

I was shown voting yes on Record No. 471. I intended to vote no.

Homer

#### HB 1275 - CONFERENCE COMMITTEE APPOINTED

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1275**: Luna, chair, Sadler, Hill, Dunnam, and Smith.

#### LEAVES OF ABSENCE GRANTED

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

Garcia on motion of J. Solis.

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

Cuellar on motion of Hinojosa.

#### HB 1702 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

**HB 1702**, A bill to be entitled An Act relating to loss of benefits by a retiree of the Teacher Retirement System of Texas who resumes teaching.

Representative Delisi 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 1702**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1702**: Delisi, chair, Greenberg, Tillery, Telford, and Bonnen.

### **HB 1924 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 1924**, A bill to be entitled An Act relating to health insurance provided through the Texas Health Insurance Risk Pool.

On motion of Representative Averitt, the house concurred in the senate amendments to **HB 1924**.

#### **Senate Committee Substitute**

**CSHB 1924**, A bill to be entitled An Act relating to health insurance provided through the Texas Health Insurance Risk Pool.

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

SECTION 1. Section 2(7), Article 3.77, Insurance Code, is amended to read as follows:

(7) "Health insurance" means individual or group health insurance and includes any hospital and medical expense incurred policy, a fraternal benefit society, a stipulated premium company, an approved nonprofit health corporation, health maintenance organization subscriber contract, coverage by a group hospital service plan, a multiple employer welfare arrangement subject to Subchapter I of this chapter, or any other health care plan or arrangement that pays for or furnishes medical or health care services whether by insurance or otherwise. The term does not include short-term, accident, dental-only, vision-only, fixed indemnity, credit insurance, long-term care, disability income, or other limited benefit insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

SECTION 2. Article 3.77, Insurance Code, is amended by adding Section 16 to read as follows:

Sec. 16. (a) An insurer may provide a notification to its insureds regarding the creation of the Texas Health Insurance Risk Pool and the address for information on cost, coverage, eligibility, and other information where an insured can compare his or her current health insurance with the benefits plan offered by the pool. The insurer shall not incur any liability solely for providing such notification.

(b) An insurer providing notice under subsection (a) shall provide such

notice as prescribed by the commissioner. The commissioner may promulgate rules to implement this section.

SECTION 3. Article 3.77, Insurance Code, as amended by this Act, applies only to an insurance policy, contract, or evidence of coverage delivered, issued for delivery, or renewed on or after January 1, 2000. A policy, contract, or evidence of coverage delivered, issued for delivery, or renewed before January 1, 2000, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 1999.

SECTION 5. 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.

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

Amend **CSHB 1924**, SECTION 1, Section 2(7), Article 3.77, Insurance Code, as follows:

On committee printing page 1, line 25, between "indemnity," and "credit", insert "including hospital indemnity insurance.".

On committee printing page 1, line 26, between "insurance," and "coverage", insert "including specified disease insurance.".

### **HB 2045 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

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

**HB 2045**, A bill to be entitled An Act relating to financing capital improvements and facility expansions through the assessment of impact fees.

On motion of Representative Brimer, the house concurred in the senate amendments to **HB 2045**.

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

Amend **HB 2045** as follows:

1. In SECTION 2, strike subsection (a)(7) and (a)(8), (Committee Printing page 2, lines 52-62) and substitute the following:

"(7) a credit for the portion of ad valorem tax and utility service revenues generated by new service units during the 10 year program period which are used for the payment of capital improvements, including the payment of debt that are included or could be included in the capital improvement plan; or

(8) a credit equal to 50% of the total cost of the capital improvements included in the capital improvement plan."

2. In SECTION 3(a), (Committee Printing page 2, lines 66-67) strike "subtracting the amounts described by Sections 395.014(a)(7) and (8)" and substitute "subtracting the amount in Sections 395.014(a)(7) or (8), whichever is greater,"

**HB 2145 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**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.

Representative Allen 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 2145**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2145**: Allen, chair, B. Turner, McClendon, Berman, and Haggerty.

**HB 2175 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2175**, A bill to be entitled An Act relating to the regulation of the practice of chiropractic.

Representative Uher 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 2175**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2175**: Uher, chair, Pitts, Walker, Glaze, and Cuellar.

**HB 2202 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 2202**, A bill to be entitled An Act relating to health centers on public school campuses.

On motion of Representative Tillery, the house concurred in the senate amendments to **HB 2202** by (Record 472): 93 Yeas, 37 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Bosse; Brimer; Capelo; Carter; Chavez; Coleman; Cook; Counts; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Gallego;

Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hardcastle; Hawley; Hinojosa; Hochberg; Hodge; Homer; Hope; Hunter; Isett; Janek; Jones, J.; Junell; King, P.; King, T.; Lengefeld; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McClendon; McReynolds; Merritt; Moreno, J.; Morrison; Naishtat; Najera; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Reyna, A.; Ritter; Sadler; Salinas; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.; Solomons; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Wise; Wohlgenuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Bonnen; Brown, B.; Brown, F.; Christian; Clark; Crabb; Craddick; Culberson; Davis, J.; Delisi; Denny; Driver; Elkins; Green; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Howard; Hupp; Jones, C.; Keel; Keffer; Krusee; Kuempel; Madden; Mowery; Nixon; Palmer; Reyna, E.; Seaman; Staples; Talton; Truitt; Williams.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Corte; Crownover; Cuellar; Garcia; Jones, D.

Absent — Berman; Burnam; Chisum; Danburg; Flores; George; Grusendorf; Marchant; McCall; Moreno, P.; Shields; Swinford; Telford; Wilson.

### STATEMENT OF VOTE

When Record No. 472 was taken, I was in the house but away from my desk. I would have voted no.

Berman

### Senate Amendment No. 1

Amend **HB 2202** (Senate Committee Printing) as follows:

On page 2, line 59 strike "of education and the commissioner"

On page 2, line 60 strike "jointly".

On page 2, line 63 strike "commissioners" and substitute "commissioner".

On page 3, line 7 strike "and".

On page 3, line 10 after "student" insert "(3) The commissioner of public health shall adopt rules establishing standards for health care centers funded through grants that place primary emphasis on delivery of health services and secondary emphasis on population-based models that prevent emerging health threats; and

(4) All programs should be designed to meet the following goals:

(A) reducing student absenteeism;

(B) increasing a student's ability to meet the student's academic potential; and

(C) stabilizing the physical well-being of a student."

On page 3, line 11 strike all of Subsection (q).

On page 3, line 34 strike "r" and insert "q".

On page 3, line 35 strike "education and the commissioner of".

On page 3, line 36 strike "jointly".

On page 3, line 44 strike "commissioners" and insert "commissioner".

- On page 3, line 47 strike "s" and insert "r"
- On page 3, line 47 strike "education and the commissioner of".
- On page 3, line 51 strike "r" and insert "g".
- On page 4, line 5 strike all of Subsection (c).

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

Amend **HB 2202**, 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."

### **HB 2611 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 2611**, A bill to be entitled An Act relating to electronic reporting of certain political contributions and political expenditures.

Representative Greenberg 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 2611**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2611**: Greenberg, chair, Gallego, Madden, Uher, and Danburg.

### **HB 2947 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

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

**HB 2947**, A bill to be entitled An Act relating to the disposition of children adjudicated as having engaged in delinquent conduct.

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 2947**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2947**: Goodman, chair, A. Reyna, Naishtat, P. King, and Morrison.

(Goodman in the chair)

**HB 2997 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 2997**, A bill to be entitled An Act relating to the recognition of certain symbols of the State of Texas and to the designation of various recognition days.

Representative Culberson 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 2997**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2997**: Culberson, chair, C. Jones, Berman, Madden, and Noriega.

**HB 3159 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3159**, A bill to be entitled An Act relating to the application of the diesel fuel tax to diesel fuel used in certain passenger commercial motor vehicles.

On motion of Representative Oliveira, the house concurred in the senate amendments to **HB 3159**.

**Senate Amendment No. 1**

Amend **HB 3159** by adding the following SECTION, appropriately numbered, and renumbering subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. Chapter 20, Transportation Code, is amended by adding Section 20.002 to read as follows:

Sec. 20.002. SCHOOL FUND BENEFIT FEE ON DIESEL FUEL USED BY CERTAIN MOTOR VEHICLES. (a) In this section, "commercial motor vehicle" has the meaning assigned by Section 548.001.

(b) This section applies to a person, other than a political subdivision, who:

(1) owns, controls, operates, or manages a commercial motor vehicle;

and

(2) is exempt from the state diesel fuel tax under Section 153.203, Tax Code.

(c) A fee to benefit the available school fund is imposed on a person for the use of diesel fuel that is:

(1) delivered exclusively into the fuel supply tank of a commercial motor vehicle; and

(2) used exclusively to transport passengers for compensation or hire between points in this state on a fixed route or schedule.

(d) The fee imposed by this section is equal to 25 percent of the diesel fuel tax rate imposed under Section 153.202(b), Tax Code.

(e) The comptroller shall prescribe the method for collecting a fee imposed under this section and shall deposit revenue received from the fee to the credit of the available school fund.

**HB 3204 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3204**, A bill to be entitled An Act relating to the election of members of the board of trustees of certain independent school districts.

On motion of Representative Danburg, the house concurred in the senate amendments to **HB 3204**.

**Senate Amendment No. 1**

Amend **HB 3204** as follows:

In SECTION 2 of the bill (Committee Printing page 1, lines 40-42), strike "for the greater of \$500 or the filing fee for a candidate for state representative under Section 172.024, Election Code" and substitute "of \$300".

**HB 3207 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

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

**HB 3207**, A bill to be entitled An Act relating to the requirement for insurance coverage for district clerks.

On motion of Representative Ramsay, the house concurred in the senate amendments to **HB 3207** by (Record 473): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Giddings; Glaze; 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, J.; Junell; Keel; Keffer; King, P.; King, T.; Krusee; Kuempel; Lengefeld; Lewis, G.; Lewis, R.; Longoria; 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; Smithe; Solis, J.; Solis, J. F.; Solomons; Staples; Swinford; Thompson; Tillery; Truitt; Turner, B.;



Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbrank.

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

Absent, Excused — Corte; Crownover; Cuellar; Garcia; Jones, D.

Absent — George; Luna; Moreno, P.; Talton; Telford; Wilson.

### Senate Committee Substitute

**CSHB 3207**, A bill to be entitled An Act relating to the requirements for insurance coverage for district clerks.

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

SECTION 1. Sections 51.302(c), (d), (e), and (f), Government Code, are amended to read as follows:

(c) Each district clerk shall obtain an insurance policy or similar coverage from a governmental pool operating under Chapter 119, Local Government Code, or from a self-insurance fund or risk retention group created by one or more governmental units under Chapter 1084, Acts of the 70th Legislature, Regular Session, 1987 (Article 715c, Vernon's Texas Civil Statutes), to cover the district clerk and any deputy clerk against liabilities incurred through errors or omissions in the performance of official duties. The amount of the policy or other coverage document must be ~~[in an amount]~~ equal to the maximum amount of fees collected in any year during the term of office immediately preceding the term for which the insurance is obtained, except that the amount of the policy or other coverage document must be at least \$20,000 but not [may not be for less than \$10,000 nor] more than \$700,000. If the policy or other coverage document provides coverage for other county officials, the amount of the policy must be at least \$1 million.

(d) Each district clerk shall obtain an insurance policy or similar coverage from a governmental pool operating under Chapter 119, Local Government Code, or from a self-insurance fund or risk retention group created by one or more governmental units under Chapter 1084, Acts of the 70th Legislature, Regular Session, 1987 (Article 715c, Vernon's Texas Civil Statutes), to cover losses from burglary, theft, robbery, counterfeit currency, or destruction. The amount of the policy or other coverage document must be at least \$20,000 but not more than \$700,000.

(e) The commissioners court may establish a contingency fund to provide the coverage required by Subsection (c) or (d) if it is determined by the district clerk that insurance coverage is unavailable at a reasonable cost. The commissioners court may set an additional filing fee in an amount not to exceed \$5 for each suit filed to be collected by the district clerk. The fee shall be paid into the fund. When the contingency fund reaches an amount equal to that required by Subsection (c) or (d), the clerk shall stop collecting the additional fee.

~~[(e) Each district clerk shall obtain an insurance policy to cover losses due to burglary, theft, robbery, counterfeit currency, or destruction. The amount of the policy may not exceed \$20,000.]~~

(f) The commissioners court shall pay the premiums on the bonds and insurance policies or other similar coverage required under this section from the county general fund.

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 3582 - HOUSE REFUSES TO CONCUR  
IN SENATE AMENDMENTS  
CONFERENCE COMMITTEE APPOINTED**

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

**HB 3582**, A bill to be entitled An Act relating to receivers, payors, and lessees under certain mineral lease.

Representative Keffer 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 3582**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 3582**: Keffer, chair, Craddick, Nixon, Smithee, and Alvarado.

**HB 3809 - HOUSE CONCURS IN SENATE AMENDMENTS  
TEXT OF SENATE AMENDMENTS**

Representative R. Lewis called up with senate amendments for consideration at this time,

**HB 3809**, A bill to be entitled An Act relating to the release of extraterritorial jurisdiction of certain municipalities.

On motion of Representative R. Lewis, the house concurred in the senate amendments to **HB 3809** by (Record 474): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alvarado; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Counts; Crabb; Craddick; Culberson; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Giddings; Glaze; Goolsby; Gray; 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, 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.; Sadler; Salinas; Seaman; Shields; Siebert; Smith; Smithee; Solis, J.; Solis, J. F.;

Solomons; Staples; Swinford; Talton; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Van de Putte; Walker; West; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

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

Absent, Excused — Corte; Crownover; Cuellar; Garcia; Jones, D.

Absent — George; Green; Moreno, P.; Ritter; Telford; Wilson.

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

Amend **HB 3809** in SECTION 1 of the bill, in Section 42.026, Local Government Code, by striking Subsections (b) and (c) (Committee Printing, page 1, lines 17-25) and substituting the following:

(b) This section applies only to an area that is:

(1) located in the extraterritorial jurisdiction of a home-rule municipality that has a population of 60,000 or less and is located in whole or in part in a county with a population of 240,000 or less;

(2) located outside the county in which a majority of the land area of the municipality is located; and

(3) separated from the municipality's corporate boundaries by a navigable stream.

(c) A municipality that, on August 31, 1999, includes that area in its extraterritorial jurisdiction shall, before January 1, 2000:

(1) adopt an ordinance removing that area from the municipality's extraterritorial jurisdiction; or

(2) enter into an agreement with a municipality located in the county in which that area is located to transfer that area to the extraterritorial jurisdiction of that municipality.

(d) If the municipality that is required to act under Subsection (c) does not do so as provided by that subsection, the area is automatically removed from the extraterritorial jurisdiction of that municipality on January 1, 2000.

(e) Section 42.021 does not apply to a transfer of extraterritorial jurisdiction under Subsection (c)(2).

### **SB 781 - ADOPTION OF CONFERENCE COMMITTEE REPORT**

Representative Bailey submitted the conference committee report on **SB 781**.

Representative Bailey moved to adopt the conference committee report on **SB 781**.

The motion prevailed without objection.

### **SB 4 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Sadler, the house granted the request of the senate for the appointment of a conference committee on **SB 4**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 4**: Sadler, chair, Hochberg, Grusendorf, Dutton, and Dunnam.

(Speaker in the chair)

**HR 1209 - ADOPTED**  
**(by Bosse)**

Representative Bosse moved to suspend all necessary rules to take up and consider at this time **HR 1209**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1209**, Congratulating Chad Christopher Duplantis and Ellen Martin Duplantis on their graduation from The University of Texas Health Science Center at San Antonio.

**HR 1209** was adopted without objection.

**HR 1211 - ADOPTED**  
**(by Junell)**

The following privileged resolution was laid before the house:

**HR 1211**

[Please refer to the supplement to today's daily journal for the text to **HR 1211**, suspending limitations on conference committee jurisdiction, **HB 1**, the general appropriations bill.]

**HR 1211** was adopted without objection.

**HR 1212 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1212**, suspending the limitations on the conferees for **SB 177**.

**HR 1210 - ADOPTED**  
**(by Coleman)**

The following privileged resolution was laid before the house:

**HR 1210**

BE IT RESOLVED by the House of Representatives of the State of Texas, 76th Legislature, Regular Session, 1999, That House Rule 13, Section 9(a), be suspended in part as provided by House Rule 13, Section 9(f), to enable the conference committee appointed to resolve the differences between the house and senate versions of **HB 3799**, relating to the creation of the East Downtown Management District, providing authority to impose a tax and issue bonds, to consider and take actions on the following matters:

(1) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit the phrase "multiunit residential property" from the text of Section 376.320(a), Local Government Code, as added by SECTION 1 of the bill, changing the subsection to read as follows:

(a) The district may not impose a tax, impact fee, or assessment on a residential property or condominium.

Explanation: This change is necessary to change the types of property that are subject to an exemption.

(2) House Rule 13, Section 9(a)(2), is suspended to permit the committee to omit Section 376.324(d)(4), Local Government Code, as added by SECTION 1 of the bill, which reads as follows:

(4) participate with other entities.

Explanation: This change is necessary to delete the remainder of Section 376.324, Local Government Code, which corrects an inadvertent error in the Senate Committee amendment.

(3) House Rule 13, Section 9(a)(1), is suspended to permit the committee to change the text of SECTION 3 of the bill to read as follows:

SECTION 3. Notwithstanding Section 376.309, Local Government Code, as added by this Act:

(1) the initial board of directors of the East Downtown Management District consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
1	Alfred H. Bennett
2	Charlie Chea
3	Peggy Foreman
4	Sean Gorman
5	Alan Gover
6	Tri La
7	Dan Nip
8	Grant Martin
9	Andy Moran
10	Bill Chu
11	Bob Eury
12	Wayne Galt
13	George Strong
14	Ringo Kwan
15	Stephen Barth
16	Harold A. Odom, III
17	Roger Russel; and

(2) of the initial board, members in positions 1-9 serve terms that expire June 1, 2003, and members in positions 10-17 serve terms that expire June 1, 2001.

Explanation: This change is necessary to change the names of two of the initial directors.

**HR 1210** was adopted without objection.

### **HR 1215 - NOTICE OF INTRODUCTION**

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the speaker announced the introduction of **HR 1215**, suspending the limitations on the conferees for **HB 610**.

(Speaker pro tempore in the chair)

### **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 24** (Hinojosa and Naishtat - House Sponsors), A bill to be entitled An Act relating to the prosecution and punishment of certain domestic violence offenses.

**SB 74** (Capelo - House Sponsor), A bill to be entitled An Act relating to the designation of a portion of State Highway 44 as the Cesar Chavez Memorial Highway.

**SB 91** was withdrawn.

### **HR 713**

**HB 713**, honoring Tivy High School's Mock Trial Team of Kerrvill, having been previously adopted, was read.

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

**SB 92** was deferred until the end of the calendar.

**CSSB 104** (Coleman - House Sponsor), A bill to be entitled An Act relating to keeping school campuses open after school hours for recreational purposes, latchkey programs, and tutoring.

**SB 105** was deferred until the end of the calendar.

**SB 132** (Hardcastle - House Sponsor), A bill to be entitled An Act relating to the requirements for the issuance of special license plates or vehicle parking placards to persons with disabilities.

**SB 153** was deferred until the end of the calendar.

**SB 154** (Hilbert - House Sponsor), A bill to be entitled An Act relating to the modification of restrictive covenants applicable to certain real property.

**SB 155** (Noriega - House Sponsor), A bill to be entitled An Act relating to a limitation on the amount charged for parking in connection with a special event; creating an offense.

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

Representative Noriega offered the following committee amendment to **SB 155**:

Amendment to **SB 155**:

Add the following to Section 3(c)(1) & Section 3(c)(2):

(1) In print at least six inches in height, the rate that is normally charged for parking a vehicle in the facility; and

(2) In print at least six inches in height, the rate that is charged for parking a vehicle in the facility in connection with a special event.

Amendment No. 1 was adopted without objection.

**SB 191** (Junell - House Sponsor), A bill to be entitled An Act relating to restrictions on certain actions involving the executive head of a state agency; providing a penalty.

**SB 214** (Isett - House Sponsor), A bill to be entitled An Act relating to the effect of certain regulations adopted by a joint airport zoning board.

**SB 223** (Junell - House Sponsor), A bill to be entitled An Act relating to restrictions on spending by state agencies for certain employee training or certain membership dues.

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

On behalf of Representative McCall, Representative Junell offered the following committee amendment to **SB 223**:

Amend **SB 223** as follows:

(1) In SECTION 1 of the bill, in added Section 656.101(1), Government Code, between "Section 572.002" and the period (engrossed version, page 1, line 9), insert "except that the terms do not include a river authority or an employee of a river authority".

(2) In SECTION 2 of the bill, in added Section 666.001, Government Code, between "Section 572.002" and the period (engrossed version, page 3, line 20), insert "except that the term does not include a river authority".

Amendment No. 1 was adopted without objection.

**SB 229** (Gallego - House Sponsor), A bill to be entitled An Act relating to the collection of certain fines, court costs, and restitution in criminal cases.

**SB 272** (R. Lewis - House Sponsor), A bill to be entitled An Act relating to regional water planning groups.

**SB 295** was withdrawn.

**SB 329** (Keffer - House Sponsor), A bill to be entitled An Act relating to the date on which certain tax payments are due.

**SB 337** (Siebert - House Sponsor), A bill to be entitled An Act relating to the distribution of the proceeds from a property tax sale.

**SB 338** (Siebert - House Sponsor), A bill to be entitled An Act relating to the time at which the commissioners court of a county must hold a hearing on a proposed budget.

**SB 344** was withdrawn.

**SB 383** (West - House Sponsor), A bill to be entitled An Act relating to access to criminal history record information by a political subdivision for certain background checks.

**CSSB 384** was withdrawn.

**SB 391** was deferred until the end of the calendar.

**SB 399** (Allen - House Sponsor), A bill to be entitled An Act relating to requiring registration of certain offenders under the sex offender registration program.

**SB 408** (Isett - House Sponsor), A bill to be entitled An Act relating to the fee for registration of certain vehicles used for charitable purposes.

**SB 416** (B. Turner - House Sponsor), A bill to be entitled An Act relating to parking privileges for vehicles of certain veterans or the surviving spouses of certain veterans.

**SB 421** (Ehrhardt and J. Moreno - House Sponsor), A bill to be entitled An Act relating to a determination of mental competency in the prosecution of criminal cases and to the disposition of defendants found to be incompetent before trial or after conviction.

**SB 432** (Alexander - House Sponsor), A bill to be entitled An Act relating to the designation of an initial or a renewal registration period by the owner of a motor vehicle or a trailer.

**SB 463** (Ellis - House Sponsor), A bill to be entitled An Act relating to the transfer of certain state property from the Texas Department of Criminal Justice to Walker County.

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

On behalf of Representative Walker, Representative Ellis offered the following committee amendment to **SB 463**:

Amend **SB 463** by adding the following appropriately numbered section to the bill and renumbering subsequent sections of the bill appropriately:

SECTION 2. (a) Not later than January 31, 2000, the Texas Department of Criminal Justice shall transfer to Mitchell County the real property described by Subsection (e) of this section.

(b) Mitchell County may use the property transferred under this Act only for a purpose that benefits the public interest of the state. If Mitchell County no longer uses the property for a purpose that benefits the public interest of the state, Mitchell County shall sell the property for fair market value under the procedures provided by Section 272.001, Local Government Code, and forward the proceeds of the sale to the Texas Department of Criminal Justice. The Texas Department of Criminal Justice shall deposit proceeds received from the sale of the property as provided by this subsection in the Texas capital trust fund.

(c) The Texas Department of Criminal Justice shall transfer the property by an appropriate instrument of transfer. The instrument of transfer must include a provision that:

(1) requires Mitchell County to use the property only for a purpose that benefits the public interest of the state; and

(2) requires Mitchell County to sell the property and forward the proceeds of the sale to the Texas Department of Criminal Justice as provided by Subsection (b) of this section if Mitchell County no longer uses the property for a purpose that benefits the public interest of the state.

(d) The Texas Department of Criminal Justice shall retain custody of the instrument of transfer after the instrument of transfer is filed in the real property records of Mitchell County.

(e) The real property referred to in this section is a tract or parcel not to exceed 63.68 ACRES OF LAND OUT OF SECTION 32, BLOCK 26, T & P RWY. SURVEYS, COLORADO CITY, MITCHELL COUNTY, TEXAS. DESCRIBED FURTHER BY METES AND BOUNDS AS FOLLOWS:

BEGINNING: AT AN IRON PIN IN THE EAST R/W OF ROGERS ROAD THAT IS N 77~ 00' 00" E—46.7' FROM THE S.W. CORNER OF BLOCK 1 OF THE J.L. HART ADDITION TO THE TOWN OF COLORADO CITY AND



S 12~ 55' 35" E—28.8' FROM A CONCRETE R/W MONUMENT IN THE EAST R/W OF INTERSTATE 20 THENCE: N 12~ 55' 35" W—162.4' ALONG THE EAST R/W OF ROGERS ROAD TO A POINT IN THE EAST R/W OF INTERSTATE 20 THENCE: N 08~ 51' 11" W—607.9' ALONG SAID EAST R/W TO A POINT IN THE SOUTH R/W OF INTERSTATE 20 THENCE: N 42~ 32' 16" E—383.4' ALONG SAID SOUTH R/W THENCE: ALONG SAID SOUTH R/W ON A CURVE TO THE RIGHT SUCH THAT

Delta = 19~ 28' 42" Radius = 3672.4'

Arc = 1248.5' Tangent = 630.3'

AND THE CHORD BEARS N 66~ 30' 22" E—1242.5' THENCE: N 76~ 17' 35" E—909.9' ALONG SAID SOUTH R/W TO A FOUND IRON PIN THENCE: S 12~ 59' 26" E—1177.1' TO AN IRON PIN IN THE NORTH R/W OF MORALES STREET THENCE: S 73~ 13' 25" W—379.1' ALONG SAID NORTH R/W THENCE: S 75~ 05' 41" W—692.4' ALONG SAID NORTH R/W THENCE: S 77~ 04' 42" W—1421.3' ALONG SAID NORTH R/W TO THE PLACE OF BEGINNING AND CONTAINING 63.68 ACRES OF LAND MORE OR LESS. SAVE AND EXCEPT ALL OF BLOCK 9, THE EAST 1/2 OF BLOCK 11, LOTS 1, 2, 3, 4 AND 5, IN BLOCK 8, LOTS 23 AND 24 IN BLOCK 7, LOTS 1, 2, 4, 13, 14, 20, 22, 23 AND 24 IN BLOCK 10, ALL IN THE AUSTIN HEIGHTS ADDITION #2 (A SUBDIVISION OF BLOCKS 4, 5, 6 AND 7 OF THE J.L. HART ADDITION TO COLORADO CITY), AND ALL OF THE STREETS AND ALLEYS IN SAID AUSTIN HEIGHTS ADDITION #2.

Amendment No. 1 was adopted without objection.

**SB 469** was deferred until the end of the calendar.

**SB 476** (Lengefeld - House Sponsor), A bill to be entitled An Act relating to inclusion of special education students in certain public education decisions.

**SB 484** (McCall - House Sponsor), A bill to be entitled An Act relating to defining a local exchange access line and an equivalent local exchange access line for purposes of the imposition of 9-1-1 emergency services fees and the exclusion of certain telephone lines used to provide Internet access.

**CSSB 510** (Rangel - House Sponsor), A bill to be entitled An Act relating to notification to students of the law that grants automatic college admission to certain students.

**SB 534** was withdrawn.

### MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

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

**SB 542** (Delisi - House Sponsor), A bill to be entitled An Act relating to the operation and management of local mental health and mental retardation authorities and community centers.

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

Representative Delisi offered the following committee amendment to **SB 542**:

Amend **SB 542** in SECTION 11 of the bill, in added Section 534.0603, Health and Safety Code (Engrossed printing, page 13, between lines 24 and 25), by inserting Subsection (c) to read as follows:

(c) This section, and a protocol developed under this section, do not apply to an audit conducted under Chapter 321, Government Code.

Amendment No. 1 was adopted without objection.

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

Representative Delisi offered the following committee amendment to **SB 542**:

Amend **SB 542** as follows: In Section 13 of the bill as engrossed, page 15, line 14, strike "Local Authority Advisory Committee" and substitute "Advisory Committee".

Amendment No. 2 was adopted without objection.

**SB 545** was withdrawn.

**SB 570** (Brimer - House Sponsor), A bill to be entitled An Act relating to certain business documents filed and recorded with the secretary of state.

**SB 571** (Woolley - House Sponsor), A bill to be entitled An Act relating to judicial review of the secretary of state's refusal to register or renew a trademark or service mark.

**SB 576** (Oliveira - House Sponsor), A bill to be entitled An Act relating to the reporting of public school class size.

**SB 581** was deferred until the end of the calendar.

**CSSB 602** (Capelo - House Sponsor), A bill to be entitled An Act relating to the membership and powers of the Interagency Council for Genetic Services.

**SB 607** (J. F. Solis - House Sponsor), A bill to be entitled An Act relating to developing and maintaining a database of the state's defense contractors.

**CSSB 609** (Woolley - House Sponsor), A bill to be entitled An Act relating to the duties of an attorney ad litem in a suit affecting the parent-child relationship.

**SB 624** was deferred until the end of the calendar.

**SB 657** (R. Lewis - House Sponsor), A bill to be entitled An Act relating to the development of water management strategies for periods of drought.

**SB 673** (McCall, Bailey, Burnam, Edwards, Ehrhardt, et al. - House Sponsors), A bill to be entitled An Act relating to the establishment and funding of a program to educate residents about anatomical gifts.

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

On behalf of Representative Maxey, Representative McCall offered the following committee amendment to **SB 673**:

Amend **SB 673** in SECTION 1 of the bill, added Section 46.001, Health and Safety Code, as follows:

(1) In Subdivision (a)(2), between "organ" and "donor" (senate engrossment, page 1, line 13), insert ", eye, or tissue".

(2) In Subdivision (a)(3), between "organ" and "donation" (senate engrossment, page 1, line 15), insert ", eye, or tissue".

Amendment No. 1 was adopted without objection.

**SB 694** (J. Solis - House Sponsor), A bill to be entitled An Act relating to the written notice of the appraised value of property for ad valorem tax purposes delivered by a chief appraiser to the property owner.

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

On behalf of Representative Heflin, Representative J. Solis offered the following committee amendment to **SB 694**:

Amend **SB 694** as follows:

(1) In SECTION 1 of the bill, in amended Sections 25.19(b)(3) and (4), Tax Code (Senate Engrossment, on page 1, line 23-page 2, line 1), strike:

"(3) [~~the taxable value of the property in the preceding year for each taxing unit taxing the property;~~

~~[(4)]~~", and substitute:

"(3) the taxable value of the property in the preceding year for each taxing unit taxing the property;

(4)".

(2) In SECTION 1 of the bill, in amended Section 25.19(b)(5), Tax Code (Senate Engrossment, on page 2, line 4), strike "~~(4) [(5)]~~", and substitute "(5)".

(3) In SECTION 1 of the bill, in amended Section 25.19(b)(6), Tax Code (Senate Engrossment, on page 2, line 20), strike "~~(5) [(6)]~~", and substitute "(6)".

(4) In SECTION 1 of the bill, in amended Section 25.19(b)(7), Tax Code (Senate Engrossment, on page 2, line 25), strike "~~(6) [(7)]~~", and substitute "(7)".

(5) In SECTION 1 of the bill, in amended Section 25.19(b)(8), Tax Code (Senate Engrossment, on page 3, line 1), strike "~~(7) [(8)]~~", and substitute "(8)".

(6) In SECTION 1 of the bill, in amended Section 25.19(b)(9), Tax Code (Senate Engrossment, on page 3, line 3), strike "~~(8) [(9)]~~", and substitute "(9)".

(7) In SECTION 1 of the bill, in amended Section 25.19, Tax Code (Senate Engrossment, on page 4, lines 11-15), strike:

~~"(f) [(h) In the notice of appraised value for real property, the chief appraiser shall list separately:~~

~~(1) the market value of the land; and~~

~~(2) the total market value of the structures and other improvements on the property."~~, and substitute:

"(f) [(h)] In the notice of appraised value for real property, the chief appraiser shall list separately:

(1) the market value of the land; and  
 (2) the total market value of the structures and other improvements on the property.

(g) In the notice of appraised value for real property, the chief appraiser shall include the market value of each structure or improvement on the property, regardless of the date on which the structure or improvement was erected or affixed to the land.

(8) In SECTION 1 of the bill, in amended Section 25.19(i), Tax Code (Senate Engrossment, on page 4, line 16), strike "~~(i)~~" and substitute "(h) [~~(i)~~]"

(9) In SECTION 1 of the bill, in proposed Section 25.19(g), Tax Code (Senate Engrossment, on page 5, line 8), strike "~~(g)~~" and substitute "(i)".

(10) In SECTION 1 of the bill, in amended Section 25.19(j), Tax Code (Senate Engrossment, on page 5, line 10), strike "(h) [~~(j)~~]", and substitute "(j)".

(11) In SECTION 1 of the bill, in amended Section 25.19(j), Tax Code (Senate Engrossment, on page 5, line 15), strike "(b)(6) [~~(b)(7)~~] or (f)(3)", and substitute "(b)(7) or (h)(3)".

(12) In SECTION 1 of the bill, in amended Section 25.19(k), Tax Code (Senate Engrossment, on page 5, line 16), strike "(i) [~~(k)~~]", and substitute "(k)".

(13) In SECTION 1 of the bill, in amended Section 25.19(k), Tax Code (Senate Engrossment, on page 5, line 17), strike "(f)", and substitute "(h)".

Amendment No. 1 was adopted without objection.

**CSSB 724** (Lengefeld - House Sponsor), A bill to be entitled An Act relating to continuing education courses and programs for public school educators.

**SB 751** (Crowover - House Sponsor), A bill to be entitled An Act relating to the composition of the University of North Texas System.

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

On behalf of Representative Rangel, Representative Denny offered the following committee amendment to **SB 751**:

Amend **SB 751** by striking SECTION 4 of the bill and adding the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b), this Act takes effect September 1, 1999.

(b) Not later than August 31, 1999, the Texas Higher Education Coordinating Board shall review and determine whether to approve the creation of the University of North Texas System as provided by this Act. If the coordinating board does not approve the creation of that system on or before August 31, 1999, the University of North Texas System is not created and this Act has no effect.

SECTION \_\_\_\_\_. 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 according to its terms, and it is so enacted.

Amendment No. 1 was adopted without objection.

**SB 762** (Averitt - House Sponsor), A bill to be entitled An Act relating to limitations on the amount of funds placed in linked deposits.

**SB 773** (Delisi - House Sponsor), A bill to be entitled An Act relating to the management of a community mental health center under certain circumstances.

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

Representative Delisi offered the following committee amendment to **SB 773**:

Amend **SB 773** as follows: In Section 1 of the bill as engrossed, page 4, line 4, strike "(d) a manager or a member of a management team appointed under this section is immune from liability arising from the good faith performance of a function described by this section."

Amendment No. 1 was adopted without objection.

**CSSB 777** (Sadler - House Sponsor), A bill to be entitled An Act relating to the regulation of driver training courses. (Isett recorded voting no)

**CSSB 779** (Siebert - House Sponsor), A bill to be entitled An Act relating to the payment of ad valorem taxes by electronic funds transfer.

**SB 788** was deferred until the end of the calendar.

**CSSB 824** (J. Moreno - House Sponsor), A bill to be entitled An Act relating to the powers of municipalities that have created certain reinvestment zones.

**SB 830** (Van de Putte - House Sponsor), A bill to be entitled An Act relating to billing policies of certain health care professionals and facilities; providing administrative penalties.

**SB 836** (B. Turner - House Sponsor), A bill to be entitled An Act relating to certain buses used to transport students to school-related activities.

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

On behalf of Representative Alexander, Representative B. Turner offered the following committee amendment to **SB 836**:

Amend **SB 836** by adding a new Section 6 and renumbering as appropriate:

SECTION 6. Section 547.701, Transportation Code, is amended to read as follows:

(a) A person may not operate a school bus to transport students on a school bus route unless the bus as referenced in Section 547.7015:

(1) meets or exceeds state specifications for school buses effective during the year of vehicle manufacture;

(2) is equipped with signal lamps that:

(A) are mounted as high and as widely spaced laterally as practicable;

(B) display four alternately flashing red lights, two located on the front at the same level and two located on the rear at the same level;

(C) display four alternately flashing amber lights, two located on the front at the same level and two located on the rear at the same level; and

(D) emit a light visible at a distance of 500 feet in normal sunlight;

(3) is maintained to meet or exceed applicable state inspection requirements; and

(4) if modified, is modified in a manner that meets or exceeds applicable state specifications for school buses effective during the year the bus is modified.

~~[A school bus shall be equipped with:~~

~~(1) A convex mirror or other device that reflects to the school bus operator a clear view of the area immediately in front of the vehicle that would otherwise be hidden from view; and~~

~~(2) Signal lamps that:~~

~~(A) are mounted as high and as widely spaced laterally as practicable;~~

~~(B) display four alternately flashing red lights, two located on the front at the same level and two located on the rear at the same level; and~~

~~(C) emit a light visible at a distance of 500 feet in normal sunlight.]~~

(b) Subsection (a)(1) does not apply to a school bus used to transport students on a school related activity trip but a person may not operate a school bus to transport students on a school related activity trip unless the bus meets or exceeds federal motor vehicle safety standards effective during the year of vehicle manufacture and state inspection requirements if modified, is modified in a manner that meets or exceeds applicable state specifications for school buses effective during the year the bus is modified.

(c) A person may not operate a school bus to transport students unless the bus accessories:

(1) meet or exceed state specifications as referenced in Section 547.7015 for school bus accessories effective during the year of accessory installation;

(2) include a convex mirror that reflects to the bus operator a clear view of the area immediately in front of the vehicle that would otherwise be hidden from view;

(3) are maintained to meet or exceed applicable state inspection requirements; and

(4) if modified, are modified in a manner that meets or exceeds applicable state specifications for the accessory effective during the year the accessory is modified.

~~(b)] (d) A school bus may be equipped with:~~

~~(1) rooftop warning lamps:~~

(A) that conform to and are placed on the bus in accordance with specifications adopted under Section 34.002, Education Code; and

(B) that may be operated only during inclement weather when the bus is stopping or is stopped to load or unload students; and

(2) movable stop arms:

(A) that conform to regulations adopted under Section 34.002, Education Code; and

(B) that may be operated only when the bus is stopped to load and unload students.

~~[(e)]~~ (e) When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment on the bus designed to warn other drivers that the bus is stopping to load or unload children. A person may not operate such a light or other equipment except when the bus is being stopped or is stopped on a highway to permit students to board or exit the bus.

~~[(f)]~~ (f) The exterior of a school bus may not bear advertising or another paid announcement directed at the public if the advertising or announcement distracts from the effectiveness of required safety warning equipment. The department shall adopt rules to implement this subsection. A school bus that violates this section or rules adopted under this section shall be placed out of service until it complies.

(g) The department is authorized to inspect buses and vehicles for compliance with this section.

(h) For purposes of this section, "person" means an individual, firm, partnership, association, corporation, school district, county school, open enrollment charter school, regional education services center, a shared service arrangement, or any other governmental entity.

(i) An offense under this subsection is a misdemeanor punishable by a fine of not less than \$200 or more than \$1,000 to the owner of the bus.

Amendment No. 1 was adopted without objection.

**SB 867** (Capelo - House Sponsor), A bill to be entitled An Act relating to a loan guarantee to convert a contract for deed to a warranty deed.

**CSSB 870** (Olivo - House Sponsor), A bill to be entitled An Act relating to the right of parents to information concerning special education.

**CSSB 875** (Smith - House Sponsor), A bill to be entitled An Act relating to the financial accountability of school districts.

**SB 881** (J. Moreno - House Sponsor), A bill to be entitled An Act relating to enrollment periods for employer health benefit plans.

**SB 893** was withdrawn.

**SB 899** (G. Lewis - House Sponsor), A bill to be entitled An Act relating to certain investments and rate reductions by insurance companies and related organizations; providing an administrative penalty.

**Amendment No. 1**

On behalf of Representative Y. Davis, Representative G. Lewis offered the following amendment to **SB 899**:

Amend **SB 899** as follows:

(1) Strike SECTION 2 of the bill (house committee printing, page 25, lines 18-23).

(2) Strike SECTION 5 of the bill (house committee printing page 26, lines 13-15) and substitute the following new SECTION, appropriately numbered:

SECTION \_\_\_\_\_. (a) Notwithstanding any other law, the comptroller may implement Subchapter B, Chapter 4, Insurance Code, as added by this Act, only if the comptroller determines, on the basis of a revenue estimate made after the adjournment sine die of the 76th Legislature, Regular Session, that revenues are anticipated in amounts sufficient to finance all appropriations made by the 76th Legislature, Regular Session, after making deductions for all reductions in taxes made by the 76th Legislature, Regular Session, including the reduction in premium tax through premium tax credits authorized under SECTION 1 of this Act.

(b) Notwithstanding any other law, if the comptroller determines under Subsection (a) of this section that revenues are anticipated to support a part, but less than all, of the premium tax credits authorized under Section 4.68(a), Insurance Code, as added by this Act, the comptroller shall:

(1) reduce the total amount of premium tax credits allowed under that section in the amount necessary to comply with Subsection (a) of this section: and

\*2) adopt rules as necessary to implement Subchapter B, Chapter 4, Insurance Code, as added by this Act after the reduction made under Subdivision (1) of this subsection.

(c) Rules adopted under Subsection (b)(2) of this section may adjust any deadline or other date established by this Act as necessary to implement Subchapter B, Chapter 4, Insurance Code, as added by this Act, as limited by this section.

(d) The Comptroller shall notify the governor, lieutenant governor, and speaker of the house of representatives of the determination made under Subsection (a) of this section.

(3) In SECTION 1 of the bill, in added Article 4.56 (f), Insurance Code (House committee printing, page 11, line 8), strike "first anniversary of" and substitute "90th day after".

(4) On page 20, Art 4.68(a): change "~~\$100 million~~" to "\$200 million".

(5) On page 20, Art. 4.68(b): change "~~\$10 million~~" to "\$20 million".

On page 26, Subchapter A, Section 4(b) change "~~January 1, 2001~~" to "September 1, 2000".

(6) Renumber SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

**SB 917** (B. Turner - House Sponsor), A bill to be entitled An Act relating to the composition of the 33rd and 198th judicial districts and the composition of the Third and Sixth administrative judicial regions.



**SB 930** (D. Jones - House Sponsor), A bill to be entitled An Act relating to entities eligible for grants because of a reduction in defense-related activity.

**SB 932** (Clark and Edwards - House Sponsors), A bill to be entitled An Act relating to regulation of tattoo studios; providing penalties. (Chavez recorded voting no)

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

On behalf of Representative Maxey, Representative Clark offered the following committee amendment to **SB 932**:

Amend **SB 932** by inserting a new SECTION 4 to read as follows and renumber subsequent SECTIONS accordingly:

SECTION 4. Section 146.012, Health and Safety Code, is amended to read as follows:

(a) A tattooist may not tattoo:

(1) a person younger than 18 years of age without [~~written and notarized~~] consent from the individual's [~~a~~] parent or guardian who determines it to be in the best interest to cover a tattoo which contains:

(A) obscene or offensive language or symbols;

(B) gang-related names, symbols, or markings;

(C) drug-related names, symbols, or pictures; or

(D) some other type of words, symbols, or markings that the court considers would be in the best interest of the minor to cover; or

(2) a person whom the tattooist suspects is under the influence of alcohol or drugs.

(b) The consent required by subsection (a) may be satisfied by:

(1) written and notarized consent by the individual's parent or guardian; or

(2) the individual's parent or guardian:

(A) being physically present at the tattoo studio at the time the tattooing is performed;

(B) executing an affidavit stating that the person is the parent or guardian of the individual on whom the tattooing is to be performed;

(C) presenting evidence of the person's identity to the person who will perform the tattooing; and

(D) presenting evidence of the person's status as parent or guardian of the individual who will receive the tattoo.

(c) [(b)] If a parent or guardian of the minor and the minor agree to the covering of a tattoo described by Subsection (a), a justice court may issue the order. If the parent or guardian and the minor do not agree, the order must be issued by a district court or other court with jurisdiction of a suit affecting the parent-child relationship or a civil proceeding brought under Title 3 or 4, Family Code.

(d) [(e)] The [~~written~~] consent required by Subsection (a) must indicate the location on the person's body at which the tattoo may be placed.

Amendment No. 1 was adopted without objection.

**SB 984** (Van de Putte - House Sponsor), A bill to be entitled An Act relating to insurers' written statements of the reasons for cancellation, declination, or nonrenewal of certain insurance policies.

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

On behalf of Representative Burnam, Representative Van de Putte offered the following committee amendment to **SB 984**:

Amend **SB 984** as follows:

(1) On page 1, lines 15 through 18, strike subsection (1) and renumber the remaining subsections accordingly.

(2) On page 1, lines 19 and 20, strike subsection (2) and substitute "(1) state the precise incident, circumstance, or risk factor or factors applicable to the applicant or policyholder that violate the guideline or guidelines;".

(3) On page 1, line 22 insert "incident, circumstance, or" between "the" and "risk".

Amendment No. 1 was adopted without objection.

**SB 1001** (Hartnett - House Sponsor), A bill to be entitled An Act relating to multicounty statutory probate courts.

**SB 1007** (Hartnett - House Sponsor), A bill to be entitled An Act relating to the staffing of certain courts with statutory probate court jurisdiction.

**SB 1013** (Carter - House Sponsor), A bill to be entitled An Act relating to increasing the flexibility in the types of projects which housing finance corporations may finance.

**SB 1026** (J. Davis - House Sponsor), A bill to be entitled An Act relating to cooperative programs between certain educational institutions under which students may work at the Lyndon B. Johnson Space Center.

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

On behalf of Representative Lengefeld, Representative J. Davis offered the following committee amendment to **SB 1026**:

Amend **SB 1026** as follows:

(1) In SECTION 1 of the bill (Senate engrossment, page 1, lines 5 and 6), strike "SECTION 1. Subchapter A, Chapter 130, Education Code, is amended by adding Sections 130.010 and 130.011" and substitute "SECTION 1. Subchapter E, Chapter 111, Education Code, is amended by adding Sections 111.86 and 111.87".

(2) In SECTION 1 of the bill, in proposed Section 130.010, Education Code (Senate engrossment, page 1, line 7), strike "Sec. 130.010." and substitute "Sec. 111.86.".

(3) In SECTION 1 of the bill, in proposed Section 131.010(a), Education Code (Senate engrossment, page 1, lines 8 through 10), strike "The junior college district in which the Lyndon B. Johnson Space Center of the National Aeronautics and Space Administration is located" and substitute "The university".

(4) In SECTION 1 of the bill, in proposed Section 131.010(a), Education Code (Senate engrossment, page 1, lines 12 and 13), strike "by the junior college district" and substitute "by the university".

(5) In SECTION 1 of the bill, in proposed Section 131.010(d), Education Code (Senate engrossment, page 2, lines 9 and 11), strike "junior college district" each time that phrase occurs and substitute "university".

(6) In SECTION 1 of the bill, in proposed Section 130.011, Education Code (Senate engrossment, page 2, line 20), strike "Sec. 130.011." and substitute "Sec. 111.87.".

(7) In SECTION 1 of the bill, in proposed Section 131.011(a), Education Code (Senate engrossment, page 2, lines 21 through 23), strike "The junior college district in which the Lyndon B. Johnson Space Center of the National Aeronautics and Space Administration is located" and substitute "The university".

(8) In SECTION 1 of the bill, in proposed Section 131.011(a), Education Code (Senate engrossment, page 2, lines 25 and 26), strike "junior college district in which the space center is located" and substitute "university".

(9) In SECTION 1 of the bill, in proposed Section 131.011(d), Education Code (Senate engrossment, page 3, lines 20 and 22), strike "junior college district" each time that phrase occurs and substitute "university".

Amendment No. 1 was adopted without objection.

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

On behalf of Representative Sadler, Representative J. Davis offered the following committee amendment to **SB 1026**:

Amend **SB 1026** as follows:

(1) In SECTION 2 of the bill (Senate engrossment, page 3, line 26, through page 4, line 1), strike the introductory language and substitute the following:

SECTION 2. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.078 to read as follows:

(2) In SECTION 2 of the bill, in proposed Section 109.53, Education Code (Senate Engrossment, page 4, line 2), strike "Sec. 109.53." and substitute "Sec. 61.078.".

(3) In SECTION 2 of the bill, in proposed Section 109.53(a), Education Code (Senate engrossment, page 4, lines 6 and 7), strike "Texas Tech University" and substitute "the board".

(4) In SECTION 2 of the bill, in proposed Section 109.53(c), Education Code (Senate engrossment, page 4, lines 18 and 19), strike "Texas Higher Education Coordinating Board" and substitute "board".

(5) In SECTION 2 of the bill, strike proposed Section 109.53(e), Education Code (Senate engrossment, page 5, lines 6 and 7).

Amendment No. 2 was adopted without objection.

**SB 1073** (Noriega - House Sponsor), A bill to be entitled An Act relating to restrictions on and notice of the location of a shelter for homeless individuals in certain municipalities.

**SB 1084** was deferred until the end of the calendar.

**SB 1085** was deferred until the end of the calendar.

**SB 1088** (Isett - House Sponsor), A bill to be entitled An Act relating to the creation of the Texas Tech University System.

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

On behalf of Representative Rangel, Representative Isett offered the following committee amendment to **SB 1088**:

Amend **SB 1088** by striking SECTION 3 of the bill and adding the following appropriately numbered SECTIONS:

SECTION \_\_\_\_\_. (a) Except as provided by Subsection (b), this Act takes effect September 1, 1999.

(b) Not later than August 31, 1999, the Texas Higher Education Coordinating Board shall review and determine whether to approve the creation of the Texas Tech University System as provided by this Act. If the coordinating board does not approve the creation of that system on or before August 31, 1999, the Texas Tech University System is not created and this Act has no effect.

SECTION \_\_\_\_\_. 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 according to its terms, and it is so enacted.

Amendment No. 1 was adopted without objection.

**SB 1089** (Hill - House Sponsor), A bill to be entitled An Act relating to the investment of debt service funds by school districts, junior college districts, and community college districts.

**SB 1091** (Hill - House Sponsor), A bill to be entitled An Act relating to the issuance and sale of bonds and time warrants by school districts and the issuance of obligations and execution of credit agreements by certain school districts and junior college districts.

**SB 1097** (McReynolds - House Sponsor), A bill to be entitled An Act relating to the authority of this state or a political subdivision of this state to participate in a challenge, protest, or appeal regarding the ad valorem tax appraisal of a taxable leasehold or other possessory interest in real property owned by this state or the political subdivision.

**SB 1100** (McCall, Danburg, and Wise - House Sponsors), A bill to be entitled An Act relating to the use of certain controlled substances to facilitate the commission of the offense of aggravated sexual assault; providing a penalty.

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

On behalf of Representative Wise, Representative McCall offered the following committee amendment to **SB 1100**:

Amend **SB 1100** (senate engrossment) by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.48 to read as follows:

Sec. 12.48. PENALTY IF CONTROLLED SUBSTANCE USED TO COMMIT OFFENSE. If the court makes an affirmative finding under Article 42.015, Code of Criminal Procedure, in the punishment phase of the trial of an offense under Chapter 29, Chapter 31, or Title 5, other than a first degree felony or a Class A misdemeanor, the punishment for the offense is increased to the punishment prescribed for the next highest category of offense. If the offense is a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days.

(b) Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.015 to read as follows:

Art. 42.015. FINDING THAT CONTROLLED SUBSTANCE USED TO COMMIT OFFENSE. In the punishment phase of the trial of an offense under Chapter 29, Chapter 31, or Title 5, Penal Code, if the court determines beyond a reasonable doubt that the defendant administered or provided a controlled substance to the victim of the offense with the intent of facilitating the commission of the offense, the court shall make an affirmative finding of that fact and enter the affirmative finding in the judgment of that case.

(c) The change in the law made by this section applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 1 was adopted without objection.

**SB 1106** was deferred until the end of the calendar.

**SB 1150** (Hartnett - House Sponsor), A bill to be entitled An Act relating to statutory county court jurisdiction with respect to matters over which a statutory probate court has jurisdiction.

**SB 1169** (Isett - House Sponsor), A bill to be entitled An Act relating to advertising in the Texas driver's handbook.

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

On behalf of Representative B. Turner, Representative Ritter offered the following committee amendment to **SB 1169**:

Amend **SB 1169** by striking Section 521.006(c), Transportation Code, as added by SECTION 1 of the bill (Engrossed version, page 1, lines 13-16), and substituting the following:

(c) The department may not include in the driver's handbook advertising for an alcoholic beverage or a product promoting alcoholic beverages.

Amendment No. 1 was adopted without objection.

**CSSB 1171** (Hilderbran - House Sponsor), A bill to be entitled An Act relating to the power and authority of the Upper Guadalupe River Authority to borrow money for corporate purposes.

**CSSB 1183** (B. Turner - House Sponsor), A bill to be entitled An Act relating to providing financial incentives to veterinary college students and graduates who agree to practice in a rural county.

**SB 1192** was deferred until the end of the calendar.

**SB 1209** (Williams - House Sponsor), A bill to be entitled An Act relating to communication in an electronic format between a property owner and a chief appraiser of an appraisal district for the purpose of ad valorem taxation.

**SB 1224** (Allen - House Sponsor), A bill to be entitled An Act relating to sex offender civil commitment and registration and to provisions of the sex offender registration law for which a person who is in noncompliance commits a criminal offense.

**CSSB 1232** (Capelo - House Sponsor), A bill to be entitled An Act relating to the regulation of birthing centers.

**SB 1233** (Capelo - House Sponsor), A bill to be entitled An Act relating to the regulation of athletic trainers.

**CSSB 1238** (Capelo - House Sponsor), A bill to be entitled An Act relating to accreditation of environmental testing laboratories.

**SB 1239** (Gray - House Sponsor), A bill to be entitled An Act relating to the Texas Department of Health's regulation of certain food establishments.

**CSSB 1249** (Gray - House Sponsor), A bill to be entitled An Act relating to the licensing of ambulatory surgical centers.

**SB 1257** (Truitt - House Sponsor), A bill to be entitled An Act relating to developer participation contracts.

**SB 1274** was withdrawn.

**SB 1320** (Junell - House Sponsor), A bill to be entitled An Act relating to the amount retained in the lottery pooled bond fund.

**SB 1409** was withdrawn.

**SB 1426** (Isett - House Sponsor), A bill to be entitled An Act relating to the board of directors of the Lubbock Reese Redevelopment Authority.

**SB 1427** (Isett - House Sponsor), A bill to be entitled An Act relating to the powers of the Lubbock Reese Redevelopment Authority, including the power of eminent domain, the imposition of taxes, and the issuance of bonds.

**SB 1428** (Isett - House Sponsor), A bill to be entitled An Act relating to the legal description of land in the Lubbock Reese Redevelopment Authority.  
(Telford in the chair)

**SB 1429** (B. Turner - House Sponsor), A bill to be entitled An Act relating to the amount paid for bounties for predatory animals.

**CSSB 1435** (Allen - House Sponsor), A bill to be entitled An Act relating to appraisal of heavy equipment for ad valorem tax purposes.

**SB 1464** (Y. Davis - House Sponsor), A bill to be entitled An Act relating to the appraisal of furniture, fixtures, and equipment for ad valorem tax purposes.

**SB 1507** (Capelo - House Sponsor), A bill to be entitled An Act relating to the evaluation by the Texas Workforce Commission of federal trade adjustment programs designed to assist certain persons in obtaining employment.

**SB 1511** (Williams - House Sponsor), A bill to be entitled An Act relating to the creation of a county assistance district in certain counties in which a rapid transit or regional transportation authority is located; authorizing a sales and use tax.

(Speaker pro tempore in the chair)

**SB 1553** (Thompson - House Sponsor), A bill to be entitled An Act relating to use of homestead property to secure debts of decedents' estates.

**SB 1577** (Allen - House Sponsor), A bill to be entitled An Act relating to training for parole officers who supervise gang members released from the Texas Department of Criminal Justice on parole or mandatory supervision.

**SB 1580** (Goodman - House Sponsor), A bill to be entitled An Act relating to the creation of the Texas Violent Gang Task Force.

**SB 1595** (Bonnen - House Sponsor), A bill to be entitled An Act relating to the operation of the Angleton-Danbury Hospital District of Brazoria County, Texas; authorizing the issuance of bonds.

(Cuellar now present)

### **Amendment No. 1**

On behalf of Representative Y. Davis, Representative Bonnen offered the following amendment to **SB 1595**:

Amend **SB 1595** by striking Sections 9 and 10 of the bill and substituting the following:

**SECTION 9.** 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.

**SB 1623** (Hunter - House Sponsor), A bill to be entitled An Act relating to the consideration of a trust as property liable for the support of a resident at a state facility for the mentally retarded.

**SB 1651** (J. Davis - House Sponsor), A bill to be entitled An Act relating to the establishment of the Texas Chiropractic College as a public institution of higher education.

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

On behalf of Representative Rangel, Representative J. Davis offered the following committee amendment to **SB 1651**:

Amend **SB 1651** in SECTION 2 of the bill (senate engrossment) as follows:

(1) In Subsection (a) (page 1, lines 14 and 15), strike "an institution" and substitute "a particular institution".

(2) In Subsection (a) (page 1, line 17), between "shall" and "assist", insert "review and may approve the transition and shall".

(3) In Subsection (b) (page 1, line 23), strike "selected" and substitute "as approved".

Amendment No. 1 was adopted without objection.

**SB 1670** (Bonnen - House Sponsor), A bill to be entitled An Act relating to the support of a child enrolled in courses for joint high school and junior college credit.

**SB 1677** (Hawley - House Sponsor), A bill to be entitled An Act relating to the method of payment of fees for goods sold or services provided by the Texas Department of Transportation or for the administration of Texas Department of Transportation programs.

**SB 1724** (Dukes - House Sponsor), A bill to be entitled An Act relating to public school campus improvement plans and school district performance reports.

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

On behalf of Representative Oliveira, Representative Dukes offered the following committee amendment to **SB 1724**:

Amend proposed **SB 1724** as follows:

On page 2 strike lines 13-26 and on page 3 strike line 1 and substituting the following:

(8) include goals and methods for violence prevention and intervention on campus.

Amendment No. 1 was adopted without objection.

**SB 1726** (Thompson - House Sponsor), A bill to be entitled An Act relating to the filing of certain judicial office campaign treasurer appointments and campaign finance reports.

**SB 1741** (P. King - House Sponsor), A bill to be entitled An Act relating to removal of the disabilities of minority.

**SB 1751** (Cuellar - House Sponsor), A bill to be entitled An Act relating to funds maintained by and for the Texas Turnpike Authority division of the Texas Department of Transportation.

**SB 1766** (Naishtat - House Sponsor), A bill to be entitled An Act relating to the commissioning of peace officers at the Texas School for the Deaf.



**SB 1816** (Goodman - House Sponsor), A bill to be entitled An Act relating to terms of community supervision for violation of an order in a suit affecting the parent-child relationship.

**CSSB 1832** (Smithee - House Sponsor), A bill to be entitled An Act relating to the location of polling places and to certain ballots for write-in voting.

**SB 1833** (J. Davis - House Sponsor), A bill to be entitled An Act relating to disposing of certain waste created by home health providers.

**SB 1840** (Homer - House Sponsor), A bill to be entitled An Act relating to the powers of the Hopkins County Hospital District.

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

On behalf of Representative Farabee, Representative Homer offered the following committee amendment to **SB 1840**:

Amend **SB 1840** in SECTION 8 of the bill, in added Subsection (c), Section 21, Chapter 43, Acts of the 57th Legislature, 1st Called Session, 1961 (senate engrossment, page 9, line 5), by striking "at least 500 of the registered voters of the territory of" and substituting "a number of registered voters of the district equal to at least 15 percent of the registered voters residing in".

**SB 1841** (Cuellar - House Sponsor), A bill to be entitled An Act relating to the abolition of the Texas eminent scholars program.

**SB 1846** (Brimer - House Sponsor), A bill to be entitled An Act relating to the exception from required disclosure under the public information law of certain information related to peace officers killed in the line of duty.

**SB 1860** was withdrawn.

**CSSB 1866** (Elkins - House Sponsor), A bill to be entitled An Act relating to the creation of the Harris County Municipal Management District No. 1; providing authority to impose a tax and issue bonds.

**SB 1877** (Williams - House Sponsor), A bill to be entitled An Act relating to the board of supervisors and the powers of the Brookshire-Katy Drainage District; providing a civil penalty.

**Amendment No. 1**

On behalf of Representative Gutierrez, Representative Williams offered the following amendment to **SB 1877**:

Amend **SB 1877** as follows:

(1) On page 6, line 18, amend Section 6(g) by striking the word "or" after the semicolon.

(2) On line 20, delete the period after the word "acre" and insert a semicolon and the word "or"

(3) On line 21, add "(3) municipally owned land."

Amendment No. 1 was withdrawn.

**SB 1877 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE CULBERSON: Mr. Williams, this legislation is designed not only to establish the boundaries of the district but also to change existing law. How has existing law changed the statute that created the district that was passed in 1961? I note that there are some deletions in Section 2, what's the effect of those deletions in Section 2?

REPRESENTATIVE WILLIAMS: The effect of this Mr. Culberson is to update the authority of the district so that they have the ability to regulate the drainage and flooding that goes on in Waller County. As you may be aware we had a very tragic situation just a few months ago where the residents of Brookshire were flooded out after a bad thunderstorm that passed through. What we found, after extensive work that Senator Ogden and I did, was that the district lacks the statutory authority to carry out the duties they were charged with. This bill would update their authority, and then require a confirming election by the residents of the district.

CULBERSON: And the language that is deleted--I note that would require the district at its own expense to relocate, raise, or re-route or change the grade of the construction of any highway, railroad, electric transmission line, telephone or telegraph property and facility. That language is struck, what is the reason for striking that language in Section 2?

WILLIAMS: Mr. Culberson, I'm not advised, the purpose of this was to specifically to update them so they had the authority. I know the City of Katy has raised some objections to this, and we worked very closely with the City of Katy to try and write them out of this bill, and it's my belief that they are not affected by this bill. There's numerous places here where they have been exempted out of the language of this bill, and with respect to the body, I am going to withdraw the bill at this time .

CULBERSON: And I want to say to Mr. Williams, that you represent the City of Katy and you do a great job of it, you're a good personal friend of mine, and I admire the work that you do. You are correct, the City of Katy has raised a number of objections to the bill which is why I am back here talking about it, but I just want to say that for the record what a good job you do for your constituents in the City of Katy. I appreciate you withdrawing this so it can be worked out over the interim.

WILLIAMS: Thank you, Mr. Culberson.

**REMARKS ORDERED PRINTED**

Representative Williams moved to print remarks by Representative Culberson and Representative Williams.

The motion prevailed without objection.

**SB 1877** was withdrawn.

**CSSB 1896** (Gray - House Sponsor), A bill to be entitled An Act relating to the sale of real property by counties.

**SB 1901** (Swinford - House Sponsor), A bill to be entitled An Act relating to the disposition or sale of impounded estrays by a county.

**SB 1902** was withdrawn.

**SB 1906** (by Gray), A bill to be entitled An Act relating to the creation of a privilege for dental records and communications with a dentist and to the availability of dental records.

### **Amendment No. 1**

On behalf of Representative Ritter, Representative Gray offered the following amendment to **SB 1906**:

Amend **SB 1906** (House Committee Report) as follows:

On page 5, line 1, add a new subsection (f) that reads:

"(f) This privilege does not apply to a grand jury subpoena."

On page 8, line 11, add a new subsection (c) to Section 2 that reads:

"(c) To the extent of any conflict, this act controls over **SB 964**, Acts of the 76th Legislature, Regular Session, 1999."

Amendment No. 1 was adopted without objection.

**SCR 12** (Thompson - House Sponsor), requesting the comptroller of public accounts to develop strategies to increase efficiency and reduce complexity of fee collection and dispersal by county and municipal clerks.

**SCR 14** (Thompson - House Sponsor), requesting the Office of Court Administration to work with the Judicial Committee on Information Technology to notify counties of a defendant's residence.

**SCR 59** (P. King - House Sponsor), conferring the Texas Legislative Medal of Honor on First Lieutenant Jack Llewellyn Knight.

**SCR 75** (Wise - House Sponsor), memorializing congress to take certain actions regarding qualification of reimbursement under Medicaid.

### **ADDENDUM TO LOCAL, CONSENT, AND RESOLUTIONS CALENDAR**

Pursuant to House Rule 6, Section 13, the house granted unanimous consent on May 25 for the following bills to be added to the calendar:

**SB 376** (Solomons - House Sponsor), A bill to be entitled An Act relating to the statutory courts of Denton County.

**SB 611** (Krusee - House Sponsor), A bill to be entitled An Act relating to the appointment and duties of criminal magistrates for certain courts of Williamson County.

**SB 760** (Isett - House Sponsor), A bill to be entitled An Act relating to magistrates in Lubbock County.

**SB 874** (Kuempel - House Sponsor), A bill to be entitled An Act relating to the general power of the Parks and Wildlife Department to contract.

**CSSB 995** (Coleman - House Sponsor), A bill to be entitled An Act relating to a review of the Harris County Hospital District.

**SB 1127** (Brimer - House Sponsor), A bill to be entitled An Act relating to the purchase of goods and services by the state.

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

Representative Brimer offered the following committee amendment to **SB 1127**:

Amend **SB 1127** by adding an appropriately numbered section to read as follows:

SECTION \_\_\_\_\_. (a) The state auditor shall contract with The University of Texas System to conduct a review of the processes and procedures of the General Services Commission for the purpose of making recommendations to improve the efficiency and effectiveness of the commission in carrying out its statutory duties and to assist the commission in implementing those recommendations. The auditor shall provide any necessary support and assistance to the system in conducting the review and may contract with other entities to assist in the review. The contract shall require the system and any other contractor to present a report to the auditor not later than December 1, 2000. The report may include recommendations for legislation. The auditor shall transmit all of the recommendations, together with any additional recommendations of the auditor, to the General Services Commission and the legislature.

(b) The General Services Commission shall cooperate with the auditor, the system, and any other contractors in carrying out the review.

(c) The lieutenant governor shall appoint two senators, and the speaker of the house shall appoint two members of the house, to an interim legislative oversight committee to oversee the review conducted under this section and to advise the auditor and the legislative audit committee in regard to the review. The chair of the legislative audit committee shall designate one member of the oversight committee to serve as chair of the oversight committee. The committee shall evaluate the effectiveness of the review conducted under this section and make recommendations to the legislative audit committee concerning this review and the possibility of future similar reviews. Those recommendations shall be included in the auditor's report to the legislature under Subsection (a).

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

On behalf of Representative Solomons, Representative Brimer offered the following amendment to **SB 1127**:

Amend **SB 1127** at the end of SECTION 6 of the bill by adding the following new Subsection (d) to Section 2155.445, Government Code:

(d) The commission and state agencies may not purchase a product to which this subsection applies if the original manufacturer of the product places a restriction on the remanufacturing or recycling of the product. This subsection applies to a product unless the commission or other state agency considering a purchase of the product determines that purchasing a different product would result in a negative fiscal impact to the state.

Amendment No. 2 was adopted without objection.

**CSSB 1436** (Cuellar - House Sponsor), A bill to be entitled An Act relating to the authority of a judge to conduct certain judicial proceedings in a county other than the one in which the suit is filed.

**CSSB 1703** (Cuellar and Hodge - House Sponsors), A bill to be entitled An Act relating to loan assistance for low-income individuals and families.

**CSSB 1775** (Brimer - House Sponsor), A bill to be entitled An Act relating to the regulation of certain providers of service contracts; providing penalties.

**SB 1824** (Hartnett - House Sponsor), A bill to be entitled An Act relating to the creation of the County Criminal Court No. 11 of Dallas County, Texas.

**SB 92** (Pitts - House Sponsor), A bill to be entitled An Act relating to the voluntary surrender or automatic forfeiture of a license of a title insurance agent, direct operation, escrow officer, or title attorney.

**SB 92** was on the calendar earlier today and was deferred until this time.

**SB 92** was read second time and was passed to third reading.

**SB 105** (Pitts - House Sponsor), A bill to be entitled An Act relating to reports of an audit by a title insurance agent or direct operation of a title insurance company.

**SB 105** was on the calendar earlier today and was deferred until this time.

**SB 105** was read second time and was passed to third reading.

**SB 153** (Hilderbran - House Sponsor), A bill to be entitled An Act relating to the payment of costs in a proceeding for court-ordered mental health services.

**SB 153** was on the calendar earlier today and was deferred until this time.

**SB 153** was read second time.

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

Representative Hilderbran offered the following committee amendment to **SB 153**:

Amend **SB 153** by striking lines 5 through 9, and replacing with the following:

SECTION 1. Section 571.018, Health and Safety Code, is amended by adding Subsection (j) to read as follows:

(j) When an inpatient mental health facility as defined under 571.003 (9)(B) or (E), files an affidavit with the clerk of the court certifying that it has received no compensation or reimbursement for the treatment of a person for whom court costs have been paid or advanced, the judge of the probate court shall order the clerk of the court to refund the costs.

Amendment No. 1 was adopted without objection.

**SB 153, as amended**, was passed to third reading.

**SB 391** (Truitt - House Sponsor), A bill to be entitled An Act relating to the enforcement of a child support order by a domestic relations office and to requests for related information.

**SB 391** was on the calendar earlier today and was deferred until this time.

**SB 391** was read second time.

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

On behalf of Representative Goodman, Representative Truitt offered the following committee amendment to **SB 391**:

Amend **SB 391** as ENGROSSED as follows:

(1) On page 5, delete SECTION 3 and renumber accordingly.

Amendment No. 1 was adopted without objection.

**SB 391, as amended**, was passed to third reading.

**SB 469** (G. Lewis - House Sponsor), A bill to be entitled An Act relating to the retention of certain appellate court records.

**SB 469** was on the calendar earlier today and was deferred until this time.

**SB 469** was read second time.

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

On behalf of Representative Thompson, Representative G. Lewis offered the following committee amendment to **SB 469**:

Amend **SB 469** as follows:

(1) On page 1, line 20, strike "one year" and substitute "three years".

(2) On page 2, line 2, strike "One year" and substitute "Six years".

Amendment No. 1 was adopted without objection.

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

On behalf of Representative Thompson, Representative G. Lewis offered the following committee amendment to **SB 469**:

Amend **SB 469** as follows:

(1) On page 2, line 22, strike "The clerk shall, not later than the 25th anniversary of" and substitute "Twenty-five years after".

(2) On page 2, line 24, between the comma and "destroy", insert "the clerk shall".

Amendment No. 2 was adopted without objection.

**SB 469, as amended**, was passed to third reading.

**SB 581** (P. King - House Sponsor), A bill to be entitled An Act relating to the requirements for and the liability of certain employers who are required to withhold child support from an employee's earnings.

**SB 581** was on the calendar earlier today and was deferred until this time.

**SB 581** was read second time.

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

On behalf of Representative Goodman, Representative P. King offered the following committee amendment to **SB 581**:

Amend **SB 581** as ENGROSSED as follows:

(1) On page 1, delete SECTION 1 and renumber accordingly.

Amendment No. 1 was adopted without objection.

**SB 581, as amended**, passed to third reading.

**SB 624** (Palmer - House Sponsor), A bill to be entitled An Act relating to certain crime control and prevention districts.

**SB 624** was on the calendar earlier today and was deferred until this time.

**SB 624** was read second time.

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

On behalf of Representative Swinford, Representative Palmer offered the following committee amendment to **SB 624**:

Amend **SB 624** as follows:

On page 2, line 14, between "storefront" and "jail", insert "municipal court".

Amendment No. 1 was adopted without objection.

**SB 624, as amended**, was passed to third reading.

**SB 788** (Hartnett - House Sponsor), A bill to be entitled An Act relating to claims against, including motions for the recusal or disqualification of, certain judges.

**SB 788** was on the calendar earlier today and was deferred until this time.

**SB 788** was read second time and was passed to third reading.

**SB 1084** (Smithee - House Sponsor), A bill to be entitled An Act relating to the assignment of benefits for dental care services.

**SB 1084** was on the calendar earlier today and was deferred until this time.

**SB 1084** was read second time and was passed to third reading.

**SB 1085** (Smithee - House Sponsor), A bill to be entitled An Act relating to forming a professional association for the practice of dentistry.

**SB 1085** was on the calendar earlier today and was deferred until this time.

**SB 1085** was read second time and was passed to third reading.

**CSSB 1106** (Hartnett - House Sponsor), A bill to be entitled An Act relating to a statement of facts concerning the identity of heirs.

**CSSB 1106** was on the calendar earlier today and was deferred until this time.

**CSSB 1106** was read second time and was passed to third reading.

**SB 1192** (P. King - House Sponsor), A bill to be entitled An Act relating to providing notice of a violation before filing certain suits relating to interference with a possessory interest in a child.

**SB 1192** was on the calendar earlier today and was deferred until this time.

**SB 1192** was read second time and was passed to third reading

### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Pensions and Investments, on adjournment today, Desk 111, for a formal meeting, to consider **HCR 249**.

### ADJOURNMENT

Representative Luna moved that the house adjourn until 3:25 p.m. today.

The motion prevailed without objection.

The house accordingly, at 3:11 p.m., adjourned until 3:25 p.m. today.

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### ADDENDUM

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#### Message No. 2

MESSAGE FROM THE SENATE  
 SENATE CHAMBER  
 Austin, Texas  
 Wednesday, May 26, 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:

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

**HB 551** Goolsby SPONSOR: Fraser  
 Relating to exempting certain small corporations from the franchise tax and to the reporting requirements for those corporations.  
 (AMENDED)



- HB 628** Hope SPONSOR: Shapiro  
Relating to the creation of the offense of failing to stop or report the aggravated sexual assault of a child.  
(AMENDED)
- HB 1032** Pitts SPONSOR: Cain  
Relating to parking of a motor vehicle operated by or for the transportation of a person with a disability.  
(AMENDED)
- HB 1224** Jones, Jesse SPONSOR: West, Royce  
Relating to the requirement that alcohol awareness information be included in the curriculum of certain driver education and driving safety courses.
- HB 2147** Flores SPONSOR: Shapleigh  
Relating to the identification of real property owned by the state that is suitable for the development of affordable housing.  
(COMMITTEE SUBSTITUTE/AMENDED)
- HB 2954** Gray SPONSOR: Brown, J. E. "Buster"  
Relating to the application of the sunset review process to certain state agencies.  
(AMENDED)
- HB 2968** Corte SPONSOR: Wentworth  
Relating to the fee imposed on certain criminal convictions for records management and preservation services.
- HB 3229** Capelo SPONSOR: Armbrister  
Relating to the property, items, persons, or contraband subject to seizure under a search warrant.  
(AMENDED)
- HB 3324** Gallego SPONSOR: Carona  
Relating to the provision of certain services to claimants under the compensation to victims of crime fund.
- HB 3342** Naishtat SPONSOR: Wentworth  
Relating to the eligibility of certain persons to hold a driver's license.
- HB 3457** Hinojosa SPONSOR: Armbrister  
Relating to the renewal of certain bail bondsman licenses.  
(AMENDED)
- HB 3479** Greenberg SPONSOR: Zaffirini  
Relating to liability for sexual exploitation by mental health services providers who are officers or employees of governmental units.  
(AMENDED)
- HB 3682** Gutierrez SPONSOR: Shapleigh  
Relating to authorizing a state agency to waive a matching funds requirement for an economically disadvantaged county.  
(AMENDED)

**HCR 265** Gallego SPONSOR: Madla  
Honoring former State Representative Susan Gurley McBee of Del Rio.

**HCR 288** Gallego SPONSOR: Madla  
Commemorating the citizens of Del Rio and Val Verde County for their outpouring of love during the 1998 flood and remembering those that lost their lives.

**HCR 301** Craddick SPONSOR: Bivins  
Congratulating Mrs. Helen Greathouse of Midland on her 90th birthday.

**SCR 85** Brown, J. E. "Buster"  
Creating a joint interim legislative study committee on constitutional revision.

**SCR 87** Whitmire  
In memory of Kevin Phillip Roberts.

Respectfully,

Betty King  
Secretary of the Senate