SIXTY-SECOND DAY
(Friday, May 7, 1993)

The Senate met at 9:30 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Madla.

A quorum was announced present.

Amy Donohue, Senior Student, Episcopal Seminary of the Southwest, Austin, offered the invocation as follows:

> O Gracious and holy One, You who are wise, slow to anger and of great kindness, stir the hearts of those gathered here this day. Grant to us the wisdom to create that which is essential for the common good and for the well-being of all people given to our care. Empower us with the courage to administer justice, with the compassion to care for the needy, and with a vision of ministry for the future that brings hope to all; in Christ's name we pray. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Luna, Senator Madla was granted leave of absence for today on account of important business.

CO-AUTHOR OF SENATE BILL 466

On motion of Senator Sims and by unanimous consent, Senator Carriker will be shown as Co-author of **S.B. 466.**

CO-AUTHORS OF SENATE BILL 1408

On motion of Senator West and by unanimous consent, Senators Harris of Tarrant and Henderson will be shown as Co-authors of **S.B. 1408.**

CO-SPONSOR OF HOUSE BILL 1551

On motion of Senator Zaffirini and by unanimous consent, Senator Madla will be shown as Co-sponsor of **H.B. 1551.**

CO-SPONSOR OF HOUSE BILL 2612

On motion of Senator Patterson and by unanimous consent, Senator Lucio will be shown as Co-sponsor of **H.B. 2612.**

MESSAGE FROM THE HOUSE

House Chamber
May 7, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 126, Relating to the regulation of sight distances along county roads in certain counties. (As amended)

S.B. 179, Relating to hunting in state parks. (As amended)

S.B. 576, Relating to the regulation of compressed natural gas and liquefied natural gas industry.

H.B. 1510, Relating to the powers and duties of the Health and Human Services Commission, the Department of Protective and Regulatory Services, the Texas Department of Health, and other health and human services agencies, to the statewide health coordinating council, and to the Interagency Council on Early Childhood Intervention Services.

H.B. 2468, Relating to certain procedures regarding recounts and election contests.

H.B. 2504, Relating to the ad valorem tax situs of certain commercial aircraft.

H.B. 2741, Relating to the regulation of professional counselors; providing penalties.

H.B. 2794, Relating to the continuation of certain state agencies subject to the Texas Sunset Act.

H.B. 2835, Relating to providing for a benefit increase in certain annuities payable by the Teacher Retirement System of Texas.

H.B. 2858, Relating to the issuance of workers' compensation insurance coverage by and the operations of the Texas workers' compensation insurance facility and the Texas Workers' Compensation Insurance Fund.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

PERMISSION TO INTRODUCE BILLS

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

S.B. 1480	**S.B. 1482**
S.B. 1481	**S.B. 1483**

SENATE BILLS AND RESOLUTION ON FIRST READING

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

S.R. 879 by West Criminal Justice
Encouraging law enforcement officials to independently report to the Texas Department of Public Safety incidents of crime that occur on public school campuses according to the department's uniform crime reporting guidelines.

S.B. 1480 by Patterson Criminal Justice
Relating to the punishment for murder, aggravated sexual assault, and offenses involving controlled substances and to the eligibility for release on parole of prisoners serving sentences for those offenses.

S.B. 1481 by Shelley Natural Resources
Relating to the location, survey, sale, and lease of vacant and unsurveyed public school land and certain public boundaries and related fees.

S.B. 1482 by Harris of Tarrant Jurisprudence
Relating to the creation of municipal courts of record in Arlington.

S.B. 1483 by Lucio State Affairs
Relating to certain contributions made to an association or organization of employees of a regulatory agency.

HOUSE BILLS ON FIRST READING

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

H.B. 202 to Committee on State Affairs.
H.B. 2529 to Committee on Criminal Justice.
H.B. 2538 to Committee on Jurisprudence.

BILLS AND RESOLUTION SIGNED

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

H.C.R. 105	**H.B. 2671**
H.B. 36	**S.B. 175**
H.B. 315	**S.B. 201**
H.B. 633	**S.B. 654**
H.B. 635	**S.B. 1075**
H.B. 895	

PERMISSION TO MEET GRANTED

On motion of Senator Haley and by unanimous consent, the Committee on Administration was granted permission to meet while the Senate was in session.

REPORT OF COMMITTEE ON NOMINATIONS

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

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

To be Members of the CREDIT UNION COMMISSION: Edward Leon Ewing, Bexar County; Sergeant Larry Q. Olivarez, Nueces County; William Ruelle Parker, Jefferson County; Terry R. Stapleton, Harris County.

To be a Member of the BOARD OF TRUSTEES OF THE EMPLOYEES RETIREMENT SYSTEM OF TEXAS (Appointed by the Chief Justice of the Supreme Court of Texas): Milton Hixson, Travis County.

To be Members of the TEXAS HIGH SPEED RAIL AUTHORITY BOARD OF DIRECTORS: Dr. John S. Belew, McLennan County; Hershel Raymond Payne, Tarrant County.

To be Members of the TEACHER RETIREMENT SYSTEM OF TEXAS BOARD OF TRUSTEES: Frank W. Camp, Terry County; Charlsetta Marie Williams Finley, El Paso County.

To be Members of the TEXAS WORKERS' COMPENSATION COMMISSION: Ramon Class, Randall County; Royce Faulkner, Travis County; Donna Lynn Snyder, Dallas County.

To be Members of the GOVERNING COMMITTEE OF THE WORKERS' COMPENSATION INSURANCE FACILITY: James R. Hardeman, Denton County; Richard J. Hoyer, Ward County.

To be Members of the GUADALUPE-BLANCO RIVER AUTHORITY BOARD OF DIRECTORS: Marshall Ray Holybee, Refugio County; Wanda Roberts, Calhoun County.

To be a Member of the TEXAS HIGH SPEED RAIL AUTHORITY BOARD OF DIRECTORS: Marcia Johnson, Harris County.

To be Judge of the 102ND JUDICIAL DISTRICT COURT, BOWIE AND RED RIVER COUNTIES: John F. Miller, Jr., Bowie County.

To be Justice of the COURT OF APPEALS, SECOND SUPREME JUDICIAL DISTRICT: Judge Maryellen Hicks, Tarrant County.

To be a Member of the TEXAS BOARD OF PROFESSIONAL LAND SURVEYING: Ray Charles Jones, Harris County.

To be a Member of the TEXAS STATE BOARD OF MEDICAL EXAMINERS: Dr. Marianne Beard, Tarrant County.

To be a Member of the TEXAS COUNCIL ON OFFENDERS WITH MENTAL IMPAIRMENTS: Belinda Joy Hill, Harris County.

To be a Member of the TEXAS-MEXICO AUTHORITY ADVISORY BOARD: William R. Leo, Hidalgo County.

To be Members of the TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY: Dr. Nita J. Dodson, Rockwall County; Wanda Lorenz, Dallas County; Frank W. Maresh, Harris County; Roel "Roy" Martinez, Hidalgo County; Lorraine J. Yancey, Travis County.

To be Members of the STATE SEED AND PLANT BOARD: Dr. Aubrey James Allison, Swisher County; Dr. Dick L. Auld, Lubbock County; Dr. Edward C. A. Runge, Brazos County.

To be Members of the TEXAS SURPLUS PROPERTY AGENCY BOARD OF DIRECTORS: Gladys A. Alonzo, Travis County; Lukin T. Gilliland, Jr., Bexar County.

To be Members of the TEXAS WORKERS' COMPENSATION INSURANCE FUND BOARD OF DIRECTORS: Glenn Biggs, Bexar County; Patricia A. Crawford, El Paso County; Walter D. Davis III, Fort Bend County; Larry Keith Durrett, Cherokee County; Irma E. Guzman Flores, Bexar County; Lowell H. Lebermann, Travis County; Lloyd E. Moss, Johnson County; Ben Munson, Grayson County; Stephen Van Sadler, Liberty County.

To be a Member of the GUADALUPE-BLANCO RIVER AUTHORITY BOARD OF DIRECTORS: Olga Lara, Comal County.

To be Members of the TEXAS COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION: Officer Jamerson J. Berry, Jr., Harris County; Chief Barbara J. Childress, Tarrant County; Sheriff Carl R. Griffith, Jr., Jefferson County; Sheriff Adan Munoz, Jr., Kleberg County.

To be Members of the TEXAS COMMISSION OF LICENSING AND REGULATION: Clara Caldwell, Travis County; Carmen Mitchell, Dallas County; Becky K. Moeller, Nueces County; Ronald Lynn Raspberry, Montgomery County.

To be Members of the TEXAS TURNPIKE AUTHORITY: Raul A. Besteiro, Jr., Cameron County; Michael Y. Chou, Harris County; Luther G. Jones, Jr., Nueces County; Nathelyne A. Kennedy, Fort Bend County.

To be Members of the TEXAS YOUTH COMMISSION: Pete Harrell, Travis County; Dr. Leonard E. Lawrence, Bexar County.

To be Members of the TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS: Dr. Karen Haun Barlow, Tarrant County; Dr. Bertram B. Butler, Galveston County; Dr. James O. Mathis, Walker County.

To be Members of the TEXAS FUNERAL SERVICE COMMISSION: Martha Fitzwater, Bexar County; Commissioner Norberto Salinas, Sr., Hidalgo County.

To be a Member of the TEXAS JUVENILE PROBATION COMMISSION: Victoria Hunter Baldwin, Travis County.

To be Members of the STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS: Dr. Maria T. Flores, Bexar County; Leslie E. Goolishian, Galveston County; Dr. Bobbie A. Henderson, Harris County; The Reverend Jerome McNeil, Jr., Dallas County; Dr. Thomas A. Milholland, Taylor County; Dr. Harriet H. Roberts, Harris County; Dr. Lucille M. Romeo, El Paso County; Dr. David A. Talbot, Sr., Hunt County.

To be Members of the TEXAS BOARD OF LICENSURE FOR PROFESSIONAL MEDICAL PHYSICISTS: Dr. Ralph Blumhardt, Bexar County; Dr. Stewart C. Bushong, Harris County; Dr. David Lee Goff, Bexar County; Dr. Thomas S. Harle, Harris County; Dr. Paul H. Murphy, Harris County; Dr. Lester J. Peters, Harris County; Dr. Wayne A. Wiatrowski, Bexar County; Dr. Ann E. Wright, Harris County.

To be Members of the STATE BOARD OF NURSE EXAMINERS: Rose Marie Caballero, Nueces County; Pat Crowe, Tarrant County; Dr. Mary V. Fenton, Galveston County.

To be Members of the TEXAS ADVISORY BOARD OF OCCUPATIONAL THERAPY: Esperanza Juarez Brattin, Hidalgo County; Stacy Dinkowitz-Beyer, El Paso County; Kikujo Ford, Tarrant County.

To be Members of the TEXAS OPTOMETRY BOARD: Theresa Karably Giolma, Bexar County; Dr. Stanley C. Pearle, Dallas County.

To be Members of the TEXAS STATE BOARD OF PHYSICAL THERAPY EXAMINERS: Cecilia Garcia Akers, Bexar County; Norma L. Deering Mancilla, El Paso County; Barbara Brandon Shell, Harris County; Dr. Ann L. Walker, Dallas County.

To be Members of the TEXAS BOARD OF EXAMINERS OF PSYCHOLOGISTS: Susan S. Askanase, Harris County; Dr. Lorraine E. Breckenridge, Harris County; Olga M. "Cookie" Mapula, El Paso County; Dr. Roberta L. Nutt, Denton County.

To be Branch Pilot for the SABINE BAR, PASS AND TRIBUTARIES: Captain Thomas B. Smith, Jefferson County.

To be Members of the UPPER GUADALUPE RIVER AUTHORITY BOARD OF DIRECTORS: Georgia H. Christley, Kerr County; Waldean Groff, Kerr County; Ernest Linares, Kerr County; John R. Mosty, Kerr County; Laresa Smith, Kerr County.

To be Members of the STATE BOARD OF VOCATIONAL NURSE EXAMINERS: Rojelio Cuevas, Hidalgo County; Melba Lee-Hosey, Harris County; Opal M. Robinson, Lubbock County; Dr. Morris Spector, Bexar County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would Monday, May 10, 1993, at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

GUEST PRESENTED

Senator Haley was recognized and introduced to the Senate former Senator Roy Blake.

The Senate welcomed Senator Blake.

CAPITOL PHYSICIAN

Senator Parker was recognized and presented Dr. Walter Wilkerson of Conroe as the "Doctor for the Day."

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

(Senator Harris of Dallas in Chair)

SENATE BILL 191 WITH HOUSE AMENDMENTS

Senator Brown called **S.B. 191** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend **S.B. 191** as follows:

1. On page 5, line 13, insert the following after "complaint": "upon notice to the prosecuting attorney in the case;"

2. On page 6, line 22, insert the following after "informed" and before "by": "in writing".

Amendment No. 2

Amend **S.B. 191** by inserting the following as SECTION 3 and renumbering the subsequent sections accordingly:

(d) A person either convicted or receiving deferred adjudication under Penal Code Chapter 46 is entitled to the weapon seized upon request to the law enforcement agency holding the weapon. However, the court entering the judgment of conviction shall order the weapon destroyed or forfeited to the state for use by the law enforcement agency holding the weapon if:

(1) the person does not request the weapon within 60 days after the date of the judgment of conviction;

(2) the person has been previously convicted under Penal Code Chapter 46;

(3) the weapon is one defined as a prohibited weapon under Penal Code Chapter 46; or

(4) the court determines based on the prior criminal history of the defendant or based on the circumstances surrounding the commission of the offense that possession of the seized weapon would pose a threat to the community or one or more individuals.

Amendment No. 1 on Third Reading

Amend **S.B. 191** in SECTION 1 by adding a Subsection (h) to Art. 18.17, Code of Criminal Procedure, to read as follows:

"(h) If the abandoned or unclaimed personal property is money, the person designated by the municipality or county purchasing agent, or the sheriff of the county, as appropriate, may, after giving notice under Subsection (b) or (c) of this article, deposit the money in the treasury of the municipality or county giving notice without conducting the sale as required by Subsection (d) of this article."

The amendments were read.

On motion of Senator Brown and by unanimous consent, the Senate concurred in the House amendments to **S.B. 191** by a viva voce vote.

(President in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 839 ON SECOND READING

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

C.S.S.B. 839, Relating to the regulation of the practice of vocational nursing and to the continuation of the Board of Vocational Nurse Examiners; providing penalties.

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

RECORD OF VOTE

Senator Haley asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 839 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 839** be placed on its third reading and final passage.

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

Nays: Haley.

Absent-excused: Madla.

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

RECORD OF VOTE

Senator Haley asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 691 ON SECOND READING

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

C.S.S.B. 691, Relating to the voluntary designation of less than 200 acres as a rural homestead.

The bill was read second time.

Senator Carriker offered the following amendment to the bill:

Amend **C.S.S.B. 691** as follows:

(1) On page 1, line 36, between "reside" and "." insert the following: "and which is not used for agricultural production for support of the family in connection with the parcel on which the family resides"; and

(2) On page 1, line 53, between "parcels" and "and" insert the following:

", the parcel or parcels are not used for agricultural production for support of the family in connection with the parcel on which the family resides.".

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

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

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

COMMITTEE SUBSTITUTE SENATE BILL 691 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 691** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

COMMITTEE SUBSTITUTE SENATE BILL 1061 ON SECOND READING

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

C.S.S.B. 1061, Relating to the continuation and functions of the Texas Board of Chiropractic Examiners and to the regulation of the practice of chiropractic; providing penalties.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **C.S.S.B. 1061** as follows:

(1) On page 2, lines 1, 13 and 25, strike "Texas".

(2) On page 3, lines 37 and 38, strike "president of the Board of the ground. The president shall then notify the", and insert "and the attorney general" after "governor".

(3) On page 9, line 14, strike Subsection (b) and insert the following:

(b) The Board by rule shall develop a system for monitoring the compliance with the requirements of this Act of license holders who are the subject of disciplinary action. Rules adopted under this subsection shall include procedures for monitoring a license holder who is ordered by the Board to perform certain acts to ascertain that the license holder peforms the required acts and to identify and monitor license holders who

are the subject of disciplinary action and who present a continuing threat to the public welfare through the practice of chiropractic.

(4) On page 11, line 8, strike "An executive director who" and insert "If the enforcement committee".

(5) On page 11, line 10, insert "if" between "occurred" and "may".

(6) On page 11, line 11, strike "executive director's" and insert "enforcement committee's".

(7) On page 11, line 16, strike "may" and insert "shall".

(8) On page 11, line 24, strike "executive director" and insert "enforcement committee".

(9) On page 11, line 29, strike "executive director" and insert "enforcement committee".

(10) On page 12, line 8, insert ", at the direction of the enforcement committee," between "may" and "file".

(11) On page 12, line 18, insert ", at the direction of the enforcement committee," between "may" and "refer".

(12) On page 13, line 10, strike "majority" and insert "two-thirds" between "of" and "the".

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

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1061 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1061** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

SENATE BILL 1402 ON SECOND READING

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

S.B. 1402, Relating to the regulation of charter bus companies.

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

SENATE BILL 1402 ON THIRD READING

Senator Leedom moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1402** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

SENATE BILL 1395 ON SECOND READING

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

S.B. 1395, Relating to the right of a person leasing property to administrative and judicial review of a determination of the appraised value of the property for ad valorem taxation.

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

SENATE BILL 1395 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1395** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

COMMITTEE SUBSTITUTE SENATE BILL 599 ON THIRD READING

Senator Lucio moved that the regular order of business be suspended and that **C.S.S.B. 599** be placed on its third reading and final passage.

C.S.S.B. 599, Relating to the exoneration and forfeiture of bail.

The motion prevailed by the following vote: Yeas 22, Nays 7, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Shelley, Sibley, Sims, Turner, West, Whitmire.

Nays: Carriker, Leedom, Rosson, Shapiro, Truan, Wentworth, Zaffirini.

Present-not voting: Luna.

Absent-excused: Madla.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 11, Present-not voting 1.

Yeas: Armbrister, Barrientos, Bivins, Brown, Ellis, Harris of Tarrant, Harris of Dallas, Henderson, Lucio, Nelson, Parker, Patterson, Ratliff, Shelley, Sims, Turner, West, Whitmire.

Nays: Carriker, Haley, Leedom, Moncrief, Montford, Rosson, Shapiro, Sibley, Truan, Wentworth, Zaffirini.

Present-not voting: Luna.

Absent-excused: Madla.

COMMITTEE SUBSTITUTE SENATE BILL 314 ON SECOND READING

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

C.S.S.B. 314, Relating to real estate broker's or salesman's ability to represent more than one party to a transaction.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **C.S.S.B. 314** as follows:

Amend SECTION 1 by striking Subsection (d), lines 4 through 8 on page 3, and substituting the following:

(d) The broker shall use due diligence to assist the parties in understanding the consents, agreements or instructions under this section in which the broker is permitted to represent more than one party to a transaction.

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

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

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

COMMITTEE SUBSTITUTE SENATE BILL 314 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 314** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Moncrief, Montford, Nelson, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Parker, Truan.

Absent-excused: Madla.

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

RECORD OF VOTES

Senators Haley and Parker asked to be recorded as voting "Nay" on the final passage of the bill.

COMMITTEE SUBSTITUTE
SENATE BILL 29 ON SECOND READING

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

C.S.S.B. 29, Relating to complaint investigations and data collection on quality improvement of convalescent and nursing homes and related institutions.

The bill was read second time.

(Senator Harris of Tarrant in Chair)

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 29** as follows:

On page 1, line 50, following the word "disclosure", delete "to any governmental agency except to the department for the purposes of this section".

On page 2, line 2, following the word "entity," delete "including any governmental agency other than the department,"

On page 2, line 20, delete Subsection (i) and substitute the following:

(i) Nothing in this act shall affect the availability and disclosure of information, reports, and other documents that, on the effective date of this Act, were considered to be public information under Subchapter E, Chapter 242, Health and Safety Code, and the rules adopted under that Subchapter or were subject to any other means of legal compulsion.

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

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 29**, SECTION 1, Section 242.049(b), after the words "which they provide." (Committee Printing page 1, line 37) by inserting the following:

"Data referred to in this Act can include information compiled from documents otherwise available under the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), including but not limited to individual survey reports and investigation reports."

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

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

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

COMMITTEE SUBSTITUTE
SENATE BILL 29 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 29** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

COMMITTEE SUBSTITUTE SENATE BILL 57 ON SECOND READING

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

C.S.S.B. 57, Relating to the screening and treatment for tuberculosis of employees, volunteers, and inmates in county jails and other correctional facilities.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Amend **C.S.S.B. 57** as follows:

1. On page 2, line 17, add the following and renumber subsequent sections accordingly:

(d) An employee or volunteer is exempt from the screening test required by this section if:

(1) the screening test conflicts with the tenets of an organized religion to which the individual belongs; or

(2) the screening test is medically contraindicated based on an examination by a licensed physician.

2. On page 2, line 57, add the following and renumber subsequent sections accordingly:

(d) An inmate is exempt from the screening test required by this section if:

(1) the screening test conflicts with the tenets of an organized religion to which the individual belongs; or

(2) the screening test is medically contraindicated based on an examination by a licensed physician.

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

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

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

COMMITTEE SUBSTITUTE SENATE BILL 57 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 57** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

(President in Chair)

SENATE BILL 1171 ON SECOND READING

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

S.B. 1171, Relating to the issuance of special license plates to justices of the peace and municipal court judges.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

Amend **S.B. 1171** on page 2, line 3 by changing "$10." to "Twenty-five Dollars ($25.00)".

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

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

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

SENATE BILL 1171 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1171** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

SENATE BILL 1355 ON SECOND READING

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

S.B. 1355, Relating to special license plates for members of certain nonprofit organizations.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

Committee Amendment

Amend **S.B. 1355** on page 2, lines 7 and 23 by changing the words "Ten Dollars ($10.00)" to "Twenty-five Dollars ($25.00)".

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

Senator Barrientos offered the following amendment to the bill:

Floor Amendment

Amend **S.B. 1355** on page 1, line 11 by deleting the period "." after the word individuals and adding the following:
", which has provided the department with a deposit of $15,000.00 dollars in order to request issuance of the special license plate to be designed. The deposit will be credited toward the first 750 plates purchased and the names of those who receive the credit, along with their address and county shall be provided to the department with the deposit."

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

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

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

SENATE BILL 1355 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1355** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

SENATE BILL 1295 ON SECOND READING

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

S.B. 1295, Relating to a refund of certain ad valorem taxes.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Floor Amendment No.1

Amend **S.B. 1295** as follows:
In SECTION 1, in the language amending Section 42.43(b) of the Tax Code, on page 1, line 31, delete the phrase "market rate of a United States treasury bill on the delinquency date for the taxes" and replace with the phrase "auction average rate quoted on a bank discount basis for three-month treasury bills issued by the United States government, as published by the Federal Reserve Board, for the week in which the taxes become delinquent".

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

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

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

RECORD OF VOTE

Senator Harris of Tarrant asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 1329 ON SECOND READING

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

S.B. 1329, Relating to the administration of county jails.

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

SENATE BILL 1329 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1329** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

COMMITTEE SUBSTITUTE SENATE BILL 1426 ON SECOND READING

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

C.S.S.B. 1426, Relating to the regulation of social workers and to the creation of a new state board to replace the Council for Social Work Certification.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 1426** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 50.001, Human Resources Code, is amended to read as follows:

Sec. 50.001. TITLE; DEFINITIONS. (a) This chapter may be cited as the Texas Professional Social Work Act.

(b) In this chapter:

(1) "Board" means the Texas State Board of Social Worker Examiners [~~Human Services~~].

(2) "Licensed [~~Certified~~] social worker" means a person who is duly licensed [~~certified~~] as a licensed [~~certified~~] social worker by the board [~~department~~] in accordance with this chapter.

(3) [~~"Social work services" means the professional activity of helping individuals, groups, or communities enhance or restore their capacity for social functioning and creating social conditions favorable to this goal. Social work services consist of the professional application of social work values, principles, and techniques to one or more of the following ends: helping people obtain tangible services, counseling with individuals, families, or groups, helping communities or groups provide social and health services, and participating in formulating relevant public policies. The practice of social work requires knowledge of human development and behavior, of social, economic, and cultural institutions, and of the interaction of all these factors.~~

[~~(4)~~] "Social worker" means a person who has been licensed [~~duly certified as a social worker~~] by the board [~~department~~] in accordance with this chapter.

(4) "Licensed master social worker" means a person who is licensed as a licensed master social worker by the board in accordance with this chapter.

(5) "Advanced clinical practitioner" means a person who is licensed as a licensed master social worker and recognized as being qualified for the practice of clinical social work by the board in accordance with this chapter.

(6) "Professional social work practice" means service and action performed for compensation to effect changes in human behavior, a person's emotional responses, interpersonal relationships, and the social conditions of individuals, families, groups, organizations, and communities. For the purpose of this definition, the practice of professional social work is guided by special knowledge, acquired through formal professional social work education, of social welfare policies and services, social welfare systems and resources, human development and behavior within the context of the social environment, and methods to enhance the functioning of individuals, families, groups, communities, and social welfare organizations. Professional social work practice involves the disciplined application of social work values, principles, and methods, including psychotherapy, marriage and family therapy, couples therapy, group therapy, counseling, assessment, and evaluation.

(7) "License" means a license required of a person to use any title or represent that the person is authorized to practice professional social work under this chapter.

(8) "Council on Social Work Education" means the national organization primarily responsible for accrediting schools of social work in the United States.

(9) "Department" means the Texas Department of Health.

(10) [~~(5)~~] "Social work associate" means a person who is licensed [~~has been duly certified~~] as a social work associate by the board [~~department~~] in accordance with this chapter.

[~~(6) "Council" means the Council for Social Work Certification.~~

[~~(7) "Department" means the Texas Department of Human Services.~~]

(c) [~~(b)~~] The board [~~department~~] may define by rule any word or term not defined in this section as necessary to administer or enforce this chapter. The definition may not be inconsistent or in conflict with the purposes or objectives of this chapter.

SECTION 2. Section 50.002, Human Resources Code, is amended to read as follows:

Sec. 50.002. EXEMPTIONS. This chapter does not apply to:

(1) activities or services of other licensed, certified, or registered professions, including physicians and surgeons, attorneys, registered and licensed vocational nurses, psychologists, occupational therapists, licensed marriage and family therapists, licensed chemical dependency counselors and licensed professional counselors, if the persons act strictly within the scope of their respective licenses and do not use the titles in Section 50.010;

(2) the delivery of human services by a volunteer or a staff member, if the person does not represent the person's services as social work services or represent the person as a social worker or use a title that would imply licensure or certification in professional social work services;

(3) the activity of a student, intern, or trainee in social work in connection with an institution of higher learning accredited by the Council on Social Work Education;

(4) an activity constituting a part of the course of study for the baccalaureate or master's degree in social work, if the person does not use a title that would imply licensure or certification in professional social work services;

(5) a service rendered by a nonresident of this state for less than 30 days during the calendar year, if the person is authorized to provide the service under the laws of the state or country of the person's residence;

(6) the activity or service of pastoral care counselors, including Christian Science practitioners recognized by the Church of Christ Scientist as registered and published in the Christian Science Journal and other recognized religious practitioners, if the person does not use a title that would imply licensure or certification in professional social work services; or

(7) all [~~All~~] persons who [~~are exempt from this chapter if they~~] do not represent or hold themselves out to the public, directly or indirectly, as licensed [~~certified~~] under this chapter and do not use any name, title, or designation indicating that they are licensed [~~certified~~] under this chapter.

SECTION 3. Section 50.004, Human Resources Code, is amended to read as follows:

Sec. 50.004. Texas State Board of Social Worker Examiners [~~Council for Social Work Certification~~]. (a) The Texas State Board of Social Worker Examiners [~~Council for Social Work Certification~~] is created [~~to advise the department on problems relating to the practice of social work. The council shall review rules and minimum standards for social work certification and make recommendations to the department concerning rules, standards, and administration under this chapter~~].

(b) The board [~~council~~] is composed of nine members appointed by the governor with the advice and consent of the senate [~~board upon the recommendation of the commissioner~~]. The board [~~council~~] is composed as follows: three members shall be at all times licensed master [~~certified~~] social workers licensed [~~certified~~] under this chapter, three members shall be at all times social workers or social work associates licensed [~~certified~~] under this chapter, and the remaining three members shall be representatives of the public who are not licensed [~~certified~~] under this chapter and who do not have, other than as consumers, any interest in the practice of social work. [~~Until December 31, 1987, one member who is a certified social worker must have been certified under the work experience qualifications prescribed by Subdivision (3) or (4) of Subsection (a) of Section 50.015 of this chapter, and one member who is a social worker must have been certified under the work experience qualifications prescribed by Subdivisions (2), (3), or (4) of Subsection (a) of Section 50.016 of this chapter.~~]

(c) Members of the board [~~Except for the initial appointments, members~~] hold office for staggered terms of six [~~three~~] years with three members' terms expiring February 1 [~~January 31~~] of each odd-numbered year. A member appointed to fill a vacancy shall hold office for the remainder of that term. [~~In making the initial appointments, the board shall appoint members within 90 days after this chapter takes effect to serve the following terms: three members for terms that expire January 31, 1985, three members for terms that expire January 31, 1984, and three members for terms that expire January 31, 1983.~~]

(d) The board shall make appointments to the council after considering how representative the council is with regard to race, sex, age, and geographical representation.

(e) [~~It is a ground for removal from the council that a member:~~

[~~(1) does not have at the time of appointment the qualifications required by Subsection (b) of this section for appointment to the council;~~

[~~(2) does not maintain during the service on the council the qualifications required by Subsection (b) of this section for appointment to the council; or~~

[~~(3) violates a prohibition established by Subsection (g) or (h) of this section. The validity of an action of the council is not affected by the fact that it was taken when a ground for removal of a member of the council existed.~~

[~~(f) A person who is required to register as a lobbyist under Chapter 305,Government Code, by virtue of his activities for compensation in or on behalf of a profession related to the operation of the council may not serve as a council member or act as the general counsel to the council.~~

[~~(g) A member or employee of the council may not be an officer, employee, or paid consultant of a trade association in the field of social work.~~

[~~(h) A member or employee of the council may not be related within the second degree by affinity or consanguinity, as determined under Article 5996h, Revised Statutes, to a person who is an officer, employee, or paid consultant of a trade association in the field of social work.~~

[~~(i) Members of the council must be citizens of the United States and residents of this state. Social workers appointed to the board must be certified as required by this section, except that the initial appointees must be persons who are eligible for the appropriate certificate and must have actively, actually, and continuously engaged in rendering social work services or in social work teaching or administration for a period of at least five years immediately preceding appointment.~~

[~~(j)~~] Each member of the board [~~council~~] is entitled to a per diem as set by legislative appropriation for state employees and travel expenses to and from the business of the board [~~council~~]. No member shall receive actual or necessary expenses except for travel to and from meetings.

(f) [~~(k)~~] The board [~~council~~] shall meet at least once a year. The governor shall designate one member of the board as presiding officer to serve in that capacity at the pleasure of the governor. At the first regular meeting each year the board [~~council~~] shall elect other officers [~~a chairman and a vice-chairman~~]. Other regular meetings may be held as the rules of the board [~~council~~] may provide. Special meetings may be held at times considered advisable by the board [~~council~~].

(g) [~~(l)~~] The board [~~council~~] is subject to the open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 6252-17, Vernon's Texas Civil Statutes), and the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(h) [~~(m) The department shall provide staff necessary to assist the council in performing its duties. The staff person directly responsible for the administration of this chapter shall at all times have the confidence of the majority of the council.~~

[~~(n)~~] The Texas State Board of Social Worker Examiners [~~Council for Social Work Certification~~] is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board [~~council~~] is abolished and this section expires September 1, 2005 [~~1993~~]. [~~If the council is continued in existence beyond that date, subsequent sunset provisions should be made to conform with those of the Texas Department of Human Services.~~]

SECTION 4. Chapter 50, Human Resources Code, is amended by adding Sections 50.0041-50.0045 to read as follows:

Sec. 50.0041. PUBLIC MEMBERSHIP RESTRICTION. A person is not eligible for appointment as a public member of the board if the person or the person's spouse:

(1) is registered, certified, or licensed by an occupational regulatory agency in the field of health care;

(2) is employed by or participates in the management of a business entity or other organization regulated by the board or the department or receiving funds from the board or the department;

(3) owns or controls, directly or indirectly, more than 10 percent interest in a business entity or other organization regulated by the board or the department or receiving funds from the board or the department; or

(4) uses or receives a substantial amount of tangible goods, services, or funds from the board or the department, other than

compensation or reimbursement authorized by law for board membership, attendance, or expenses.

Sec. 50.0042. CONFLICT OF INTEREST RESTRICTIONS. (a) An officer, employee, or paid consultant of a Texas trade association in the field of health care may not be a member of the board or employee of the department who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

(b) A person who is the spouse of an officer, manager, or paid consultant of a Texas trade association in the field of health care may not be a board member and may not be an employee of the department who is exempt from the state's position classification plan or is compensated at or above the amount prescribed by the General Appropriations Act for step 1, salary group 17, of the position classification salary schedule.

(c) For the purposes of this section, a Texas trade association is a nonprofit, cooperative, and voluntarily joined association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Sec. 50.0043. EFFECT OF LOBBYING ACTIVITY. A person may not serve as a member of the board if the person is required to register as a lobbyist under Chapter 305, Government Code, and its subsequent amendments, because of the person's activities for compensation on behalf of a profession related to the operation of the board.

Sec. 50.0044. GROUNDS FOR REMOVAL FROM BOARD. (a) It is a ground for removal from the board if a member:

(1) does not have at the time of appointment the qualifications required by Section 50.004;

(2) does not maintain during service on the board the qualifications required by Section 50.004;

(3) violates a prohibition established by Section 50.0042 or 50.0043;

(4) cannot discharge the member's term for a substantial part of the term for which the member is appointed because of illness or disability; or

(5) is absent from more than half of the regularly scheduled board meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the board.

(b) The validity of an action of the board is not affected by the fact that it is taken when a ground for removal of a board member exists.

(c) If the program director has knowledge that a potential ground for removal exists, the program director shall notify the governor and the attorney general that a potential ground for removal exists.

Sec. 50.0045. STAFF. (a) The department shall provide staff necessary to assist the board in performing its duties. The department shall employ a program director to coordinate the department's administrative and clerical employees as necessary to carry out the board's functions.

(b) The board shall develop and implement policies that clearly define the respective responsibilities of the board and the staff of the department.

SECTION 5. Section 50.005(a), Human Resources Code, is amended to read as follows:

(a) All money paid to the department [~~derived from fees, assessments, or charges~~] under this chapter shall be deposited [~~paid by the department~~] into the State Treasury [~~for safekeeping and shall be placed by the State Treasurer~~] in a separate fund to be known as the social workers fund. The money shall be available to the department exclusively for the administration, implementation, and enforcement of this chapter. Surpluses are reserved for the use of the department in the administration and enforcement of this chapter.

SECTION 6. Section 50.006, Human Resources Code, is amended to read as follows:

Sec. 50.006. REGULATION AND ENFORCEMENT. (a) The board [~~department~~] may [~~adopt and~~] enforce [~~the~~] rules adopted by the board necessary for the performance of its duties, establish standards of conduct and ethics for all persons licensed [~~certified~~] under this chapter, and ensure strict compliance with and enforcement of this chapter. In adopting rules, the board shall consider the rules and procedures of the Texas Board of Health and the department and shall adopt procedural rules not inconsistent with similar existing rules and procedures of the Texas Board of Health or the department.

(b) The violation by a licensed master [~~certified~~] social worker, licensed social worker, or social work associate of this chapter or of any rule of the board [~~department~~] pertaining to the practice of social work is sufficient reason to reprimand a license holder or to suspend or revoke a license [~~certificate~~] issued under this chapter.

(c) In addition to any other action, proceeding, or remedy authorized by law, the board or department may institute an action to enjoin a violation of this chapter or a rule of the board [~~department~~]. The suit may be brought in Travis County, in the county of the defendant's residence, or in the county where any part of the alleged violation occurred. In order for the board or department to sustain the action, it is not necessary to allege or prove the lack of an adequate remedy at law or that substantial or irreparable damage would result from the continued violation. Either party to the action may appeal to the appellate court having jurisdiction of the cause. The board or department shall not be required to give any appeal bond in any cause arising under this chapter. The attorney general shall represent the board or department in all actions and proceedings to enforce this chapter.

(d) The board [~~department~~] shall prepare information of consumer interest describing the regulatory functions of the board [~~department~~] and describing the board's [~~department's~~] procedures by which consumer complaints are filed with and resolved by the board [~~department~~]. The board [~~department~~] shall make the information available to the general public and appropriate state agencies.

(e) The board by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone

number of the board for the purpose of directing complaints to the board. The board may provide for that notification:

(1) on each registration form, application, or written contract for services of an individual or entity regulated by the board;

(2) on a sign prominently displayed in the place of business of each individual or entity regulated by the board; or

(3) in a bill for service provided by an individual or entity regulated by the board.

(f) The board shall list along with its regular telephone number the toll-free telephone number that may be called to present a complaint about a health professional if the toll-free number is established under other state law [~~There shall be prominently displayed at all times in the place of business of each person certified under this chapter a sign containing the name, mailing address, and telephone number of the department and a statement informing consumers that complaints against persons certified under this chapter may be directed to the department~~].

SECTION 7. Section 50.0061, Human Resources Code, is amended to read as follows:

Sec. 50.0061. ADVERTISING. (a) The board [~~department~~] may not adopt rules restricting competitive bidding or advertising by a person regulated by the board [~~department~~] except to prohibit false, misleading, or deceptive practices by the person.

(b) The board [~~department~~] may not include in its rules to prohibit false, misleading, or deceptive practices by a person regulated by the board [~~department~~] a rule that:

(1) restricts the person's use of any medium for advertising;

(2) restricts the person's personal appearance or use of the person's [~~his~~] voice in an advertisement;

(3) relates to the size or duration of an advertisement by the person; or

(4) restricts the person's advertisement under a trade name.

SECTION 8. Chapter 50, Human Resources Code, is amended by adding Sections 50.0062-50.0065 to read as follows:

Sec. 50.0062. PUBLIC PARTICIPATION IN BOARD HEARINGS. The board shall develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board.

Sec. 50.0063. PROGRAM ACCESSIBILITY. The board shall prepare and maintain a written plan that describes how a person who does not speak English can be provided reasonable access to the board's programs. The board shall also comply with federal and state laws for program and facility accessibility.

Sec. 50.0064. STANDARDS OF CONDUCT INFORMATION. The board shall provide to its members and employees, as often as necessary, information regarding their qualifications for office or employment under this article and their responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Sec. 50.0065. TRAINING. (a) The board shall establish a training program for the members of the board.

(b) Before a member of the board may assume the member's duties, the member must complete at least one course of the training program established under this section, and before the member may be confirmed by the senate, the member must pass an examination given in conjunction with the attorney general on subjects described by Subsections (c)(7), (8), and (9).

(c) A training program established under this section shall provide information to a participant regarding:

(1) the enabling legislation that created the board;

(2) the programs operated by the board;

(3) the role and functions of the board;

(4) the rules of the board, with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the board;

(6) the results of the most recent formal audit of the board;

(7) the requirements of the:

(A) open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes);

(B) open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes); and

(C) Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes);

(8) the requirements of the conflict of interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the board or the Texas Ethics Commission.

(d) In developing the training requirements provided for by this section, the board shall consult with the governor's office, the attorney general's office, and the Texas Ethics Commission.

(e) In the event that another state agency or entity is given the authority to establish the training requirements, the board shall allow that training in lieu of developing its own program.

SECTION 9. Section 50.008(a), Human Resources Code, is amended to read as follows:

(a) A roster showing the names and addresses, as reflected by the board's [~~department's~~] records, of all licensed master [~~certified~~] social workers, licensed social workers, and social work associates certified by the board [~~department~~] shall be prepared and published by the board [~~department~~] at its discretion. Copies of the roster shall be mailed to each person certified by the department placed on file with the secretary of state.

SECTION 10. Section 50.009, Human Resources Code, is amended to read as follows:

Sec. 50.009. FEES. (a) The board by rule [~~department~~] shall establish reasonable and necessary[~~, charge, and collect~~] fees so that the fees, in the aggregate, produce sufficient revenues to cover the cost of administering this chapter[~~, as follows:~~

[~~(1) a fee for the filing of an application to take an examination for a certificate under this chapter;~~

[~~(2) a fee for the taking of an examination;~~

[~~(3) a fee for the original issuance of certificate under this chapter;~~

[~~(4) a fee for the original issuance of an order of recognition to practice a specialty in the practice of social work;~~

[~~(5) a fee for an annual renewal of an order of recognition to practice a specialty in the practice of social work;~~

[~~(6) a fee for an annual renewal of a certificate issued in accordance with this chapter;~~

[~~(7) a fee for replacement of a certificate, specialty order of recognition, or renewal lost or destroyed; and~~

[~~(8) a fee for a copy of the official roster of certified persons published by the department for the one copy mailed to each person certified~~].

(b) The fees set by the board may be adjusted so that the total fees collected are sufficient to meet the expenses of administering this chapter. The board may not set a fee for an amount less than the amount of that fee on September 1, 1993 [~~If a certified social work associate is qualified on September 2, 1983, to be examined for a certificate as a social worker because of a legislative change in qualifications under Section 50.016 of this chapter, the department may not charge or collect a fee for issuing the social worker certificate to that person~~].

SECTION 11. Section 50.010, Human Resources Code, is amended to read as follows:

Sec. 50.010. LICENSE RESTRICTIONS AND LIMITATIONS [~~LIMITATION OF PRACTICE~~]. (a) Unless licensed [~~certified~~] under this chapter or unless specifically exempted from its provisions, a person may not:

(1) employ, use, cause to be used, or make use of any of the following terms or any combinations, variations, or abbreviations of the terms as a professional, business, or commercial identification, title, name, representation, claim, asset, or means of advantage or benefit: "[~~certified~~] social worker," "licensed master [~~certified~~] social worker," "licensed social worker," or [~~"registered certified social worker," "social worker," "licensed social worker," "registered social worker,"~~] "social work associate[~~,~~]" [~~or "registered social work associate"~~]; or

(2) use a title that implies licensure or certification in professional social work services [~~employ, use, cause to be used, or make use of any letter, abbreviation, word, symbol, slogan, sign, or any combination or variation of them that tends or is likely to create any impression with a member of the public that a person is qualified or authorized to practice social work or is a certified social worker, social worker, or social work associate, unless appropriately certified under and practicing in accordance with this chapter~~].

(b) A person, firm, partnership, association, corporation, business, or professional entity that does or offers or attempts to do an act prescribed by Subsection (a) of this section is engaged in the practice of professional social work.

SECTION 12. Section 50.011, Human Resources Code, is amended to read as follows:

Sec. 50.011. PROFESSIONAL IDENTIFICATION. A person licensed [~~certified~~] by the board [~~department~~] in accordance with this chapter shall, in the professional use of the person's [~~his~~] name or any sign, directory, listing, contract, document, pamphlet, stationery, letterhead, advertisement, signature, or other means of professional identification, written or printed, use the following legally required identifications:

(1) if licensed [~~certified~~] as a licensed master [~~certified~~] social worker, the words "licensed master [~~certified~~] social worker" or the initials "L.M.S.W." [~~"C.S.W."~~];

(2) if licensed [~~certified~~] as a licensed social worker, the words "licensed social worker" or the initials "L.S.W."; or

(3) if licensed [~~certified~~] as a social work associate, the words "social work associate" or the initials "S.W.A."

SECTION 13. Section 50.012, Human Resources Code, is amended to read as follows:

Sec. 50.012. PUBLIC REPRESENTATIONS. A firm, partnership, association, corporation, or other business or professional entity may not hold itself or another out to the public as being engaged in the work or practice of social work or offering social work services under an assumed, trade, business, professional, partnership, or corporate name or title or employ, use, cause to be used, or make use of, directly or indirectly or in any manner, the words or terms "social work," "social work services," "social work, inc.," "professional social workers," "licensed [~~certified~~] social workers," "licensed master social workers," "social work associate," "L.M.S.W.," "L.S.W.," "S.W.A.," [~~"social work associates," "C.S.W.," "S.W.A.,"~~] or any combinations, abbreviations, or variations of any of these or in combination with any other words, letters, initials, signs, legends, or symbols on, in, or as a part of, directly or indirectly, any sign, directory, listing, contract, document, pamphlet, stationery, letterhead, advertisement, signature, trade name, assumed name, or corporate or other business or professional name, unless the firm, partnership, association, corporation, or other business or professional entity is actually and actively engaged in the practice of social work or is actually and actively performing social work services, and unless the services performed by it which constitute the practice of social work are either personally performed or done by a [~~certified~~] social worker[~~, social worker, or social work associate~~] practicing in accordance with this chapter or under the supervision [~~general direction~~] of a licensed [~~certified~~] social worker or licensed master social worker.

SECTION 14. Section 50.013, Human Resources Code, is amended to read as follows:

Sec. 50.013. APPLICATIONS. An application for licensure [~~certification~~] under this chapter shall be on a form prescribed and furnished by the board [~~department~~] and shall contain statements made under oath setting forth in detail the applicant's education, experience, and other information as required by the board [~~department~~] that qualify the applicant for a license [~~certificate~~] under this chapter. No person is

eligible for a license [~~certificate~~] provided under this chapter unless the person [~~he~~] is at least 18 years of age and worthy of the public trust and confidence.

SECTION 15. Section 50.014, Human Resources Code, is amended to read as follows:

Sec. 50.014. EXAMINATIONS. (a) At least once each calendar year the board [~~department~~] shall prepare and administer an examination to determine the qualifications of applicants for certificates under this chapter. Examinations shall be conducted in the manner the board [~~department~~] determines and in a manner that is fair and impartial to all individuals and to every school or system of social work. Applicants shall be known to the examiners only by numbers until after the general averages of the applicants in a class have been determined and licenses [~~certificates~~] have been granted or refused. The scope and content of examinations shall be sufficient to ensure professional efficacy and competence in keeping with the highest standards of the social work profession. The board shall have the written portion of the examination, if any, validated by an independent testing entity.

(b) On satisfactory completion of all requirements of the examination conducted by the board [~~department~~], an applicant may be granted a license [~~certificate~~] as a licensed master [~~certified~~] social worker, licensed social worker, or social work associate as the board [~~department~~] determines.

(c) The board by rule shall establish:

(1) a limit on the number of times an applicant who fails an examination may retake the examination;

(2) requirements for retaking an examination; and

(3) alternative methods of examining competency [~~An applicant who fails an examination may be reexamined at a subsequent time on payment of the required fees. An applicant may be reexamined only three times for the same certificate~~].

(d) If requested by a person who fails the examination for a license [~~certificate~~], the board [~~department~~] shall furnish to the person an analysis of the person's performance on the examination.

(e) Not later than the 30th day after the day on which a licensing [~~certification~~] examination is administered under this chapter, the board [~~department~~] shall notify each examinee of the results of the examination. However, if an examination is graded or reviewed by a national testing service, the board [~~department~~] shall notify examinees of the results of the examination not later than the 14th day after the day on which the board [~~department~~] receives the results from the testing service. If the notice of the examination results will be delayed for longer than 90 days after the examination date, the board [~~department~~] shall notify the examinee of the reason for the delay before the 90th day.

SECTION 16. Section 50.015, Human Resources Code, is amended to read as follows:

Sec. 50.015. LICENSED MASTER [~~CERTIFIED~~] SOCIAL WORKER. The board [~~(a) Until December 31, 1985, the department~~] shall consider [~~the following as minimum evidence that an applicant is qualified to be examined for a certificate as a certified social worker:~~

[~~(1)~~] a doctoral degree in social work or master's degree in social work from a [~~an accredited~~] graduate program accredited [~~approved~~] by the Council on Social Work Education [~~department;~~

[~~(2) a doctoral degree or master's degree not in social work from an accredited program approved by the department and the successful completion of two years' actual and active social work experience approved by the department; or~~

[~~(3) a baccalaureate degree in social work or a related field from an educational program approved by the department and the successful completion of five years' actual and active social work experience approved by the department; or~~

[~~(4) a baccalaureate degree not in social work or a related field from an educational institution approved by the department and the successful completion of 10 years' actual and active social work experience approved by the department:~~

[~~(b) After December 31, 1985, the department shall consider only the qualifications prescribed by Subdivision (1) of Subsection (a) of this section~~] as minimum evidence that an applicant is qualified to be examined for a license [~~certificate~~] as a licensed master [~~certified~~] social worker.

SECTION 17. Section 50.016, Human Resources Code, is amended to read as follows:

Sec. 50.016. LICENSED SOCIAL WORKER. The board [~~(a) Until December 31, 1985, the department~~] shall consider [~~the following as minimum evidence that an applicant is qualified to be examined for a certificate as a social worker:~~

[~~(1)~~] a baccalaureate degree in social work from an educational program accredited [~~approved~~] by the Council on Social Work Education [~~department;~~

[~~(2) a baccalaureate degree not in social work from an educational institution approved by the department and the successful completion of five years' actual and active social work experience approved by the department;~~

[~~(3) an associate degree from an educational institution approved by the department and the successful completion of 10 years' actual and active social work experience approved by the department; or~~

[~~(4) a high school diploma or its substantial equivalent as determined by the department and the successful completion of 15 years' actual and active social work experience approved by the department:~~

[~~(b) After December 31, 1985, the department shall consider only the qualifications prescribed by Subdivision (1) of Subsection (a) of this section~~] as minimum evidence that an applicant is qualified to be examined for a license [~~certificate~~] as a licensed social worker.

SECTION 18. Section 50.017, Human Resources Code, is amended to read as follows:

Sec. 50.017. SOCIAL WORK ASSOCIATE. [~~(a)~~] The board [~~department~~] shall consider the following as minimum evidence that an applicant is qualified to be examined for a license [~~certificate~~] as a social work associate:

(1) a baccalaureate degree from an accredited educational institution and the additional satisfactory completion of a reasonable specified number of years of actual and active social work experience approved by the board [~~department~~]; or

(2) an associate of arts degree in the behavioral sciences as determined by the board from an accredited educational institution and the additional satisfactory completion of a reasonable specified number of years of actual and active social work experience approved by the board [~~department; or~~

[~~(3) a high school diploma or its substantial equivalent as determined by the department and the satisfactory completion of a specified number of years of actual and active social work experience approved by the department~~].

SECTION 19. Section 50.018, Human Resources Code, is amended to read as follows:

Sec. 50.018. EXPERIENCE EVALUATION. In determining the credibility and acceptability of an applicant's professional or technical experience or competence, the board [~~department~~] may require documentary evidence of the quality, scope, and nature of the experience and competence as necessary to ensure public safety, health, and welfare.

SECTION 20. Section 50.019, Human Resources Code, is amended to read as follows:

Sec. 50.019. TEMPORARY LICENSE [~~Provisional Certificate~~]. Prior to examination, an applicant for licensure may obtain a temporary license as long as the applicant meets all the requirements, except examination, as prescribed in this chapter for the level of license sought. The temporary license is valid until the results of the first qualifying written examination are available [~~(a) Until December 31, 1985, a person who, in the judgment of the department, meets the requirements of this chapter may be issued the appropriate certificate, as the department shall determine, without examination, on application to the department in the form and content that it may require and on payment of the fee for the original issue of a certificate as established by the department in accordance with this chapter.~~

[~~(b) After December 31, 1985, a person who has some of the work experience requirements for examination in Section 50.015 or 50.016 of this chapter may, after completion of the required work experience, be issued the appropriate certificate without examination if:~~

[~~(1) the person has at least one-half of the work experience prescribed by Section 50.015 or 50.016 of this chapter by December 31, 1985;~~

[~~(2) the person notifies the department not later than December 31, 1985, of the person's intention to apply for a certificate without examination; and~~

[~~(3) the department determines that the work experience is satisfactory~~].

SECTION 21. Section 50.020, Human Resources Code, is amended to read as follows:

Sec. 50.020. PRIVATE PRACTICE. (a) The board [~~department~~] shall establish procedures for the recognition of persons qualified for the private,

independent practice of social work and publish or cause to be published a roster of qualified persons. Minimum qualifications for recognition shall include:

(1) licensure [~~certification~~] as a licensed master [~~certified~~] social worker under this chapter; and [~~or~~]

(2) a number of years of acceptable social work experience as determined by the board [~~department~~].

(b) A licensed social worker or social work associate will not be eligible for recognition as being qualified to practice social work as a private, independent practitioner.

(c) A person qualified for the private, independent practice of social work under this section shall, for the purposes of Article 21.52, Insurance Code, be authorized to use the title "advanced clinical practitioner" or any other title approved by the board and the other title shall mean the same as and be equivalent to the title "advanced clinical practitioner" as used in Article 21.52, Insurance Code.

SECTION 22. Section 50.021, Human Resources Code, is amended to read as follows:

Sec. 50.021. REVOCATION AND SUSPENSION. (a) The board shall revoke or suspend [~~department may refuse to issue or to renew~~] a license [~~certificate~~] or order of recognition, [~~may~~] place on probation a person whose license [~~certificate~~] or order of recognition has been suspended, or [~~may~~] reprimand a person with a license [~~certificate~~] or order of recognition[~~, or may revoke or suspend a certificate or order of recognition issued under this chapter~~] for any of the following reasons:

(1) violating a provision of this chapter or a rule of the board [~~department~~];

(2) circumventing or attempting to circumvent this chapter or a rule of the board [~~department~~];

(3) participating, directly or indirectly, in a plan, scheme, or arrangement attempting or having as its purpose the evasion of this chapter or a rule of the board [~~department~~];

(4) engaging in unethical conduct;

(5) engaging in conduct which discredits or tends to discredit the profession of social work;

(6) performing an act, allowing an omission, or making an assertion or representation that is fraudulent, deceitful, or misleading or that in any manner tends to create a misleading impression;

(7) knowingly associating with or permitting or allowing the use of any licensed [~~certified~~] person's professional services or professional identification in a project or enterprise that the person knows or with the exercise of reasonable diligence should know is a practice that violates this chapter or a rule of the board [~~department~~] pertaining to the practice of social work;

(8) knowingly associating with or permitting the use of a licensed [~~certified~~] person's name, professional services, professional identification, or endorsement in connection with a venture or enterprise that the person knows or with the exercise of reasonable diligence should know is a trade, business, or professional practice of a fraudulent, deceitful, misleading, or dishonest nature;

(9) revealing, directly or indirectly, or causing to be revealed a confidential communication transmitted to the licensed [~~certified~~] person by a client or recipient of his services except as may be required by law;

(10) having a certificate or a license to practice social work in another jurisdiction denied, suspended, or revoked for reasons or causes the board [~~department~~] finds would constitute a violation of this chapter or a rule pertaining to the practice of social work adopted by the board [~~department~~];

(11) having been convicted of a felony in an American jurisdiction; or

(12) refusing to do or perform any act or service for which the person is licensed [~~certified~~] under this chapter solely on the basis of the recipient's age, sex, race, religion, national origin, color, or political affiliation.

(b) If a license or order of recognition suspension is probated, the board may require the probationer to:

(1) report regularly to the board on matters that are the basis of the probation;

(2) limit practice to the areas prescribed by the board; or

(3) continue or review continuing professional education until the probationer attains a degree of skill satisfactory to the board in those areas that are the basis of the probation.

SECTION 23. Section 50.022, Human Resources Code, is amended to read as follows:

Sec. 50.022. DISCIPLINARY PROCEEDINGS. (a) A proceeding under Section 50.021 [~~of this chapter~~] begins when a charge is filed with the department and referred to the board in writing and under oath. The charge may be made by any person.

(b) A person is entitled to notice and a hearing before the State Office of Administrative Hearings before a sanction is imposed under Section 50.021

[~~(c) The department may rule that the order revoking or suspending a certificate or order of recognition be probated so long as the probationer conforms to the orders and rules that the department sets out as the terms of probation. The department, at the time of probation, shall set out the period of time that constitutes the probationary period. The department may at any time while the probationer remains on probation hold a hearing and on majority vote rescind the probation and enforce the department's original action in revoking or suspending the certificate or order of recognition.~~

[~~(d) The department shall provide for notice and an opportunity to appeal from disciplinary proceedings~~]. Disciplinary proceedings and the appeals from the proceedings are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes). The board by rule shall adopt a broad schedule of sanctions for violations under this chapter. The State Office of Administrative Hearings shall use the schedule for any sanction imposed as the result of a hearing conducted by that office.

[~~(c) The department shall keep an information file on each complaint or charge filed. During the consideration of a charge filed under this section and until the charge is finally resolved, all parties shall be informed monthly in writing as to the status of the complaint.~~]

SECTION 24. Chapter 50, Human Resources Code, is amended by adding Sections 50.0221-50.0224 to read as follows:

Sec. 50.0221. COMPLAINT PROCEDURE IN GENERAL. (a) The board shall keep an information file about each complaint filed with the department and referred to the board. The board's information file shall be kept current and contain a record for each complaint of:

(1) all persons contacted in relation to the complaint;

(2) a summary of findings made at each step of the complaint process;

(3) an explanation of the legal basis and reason for a complaint that is dismissed; and

(4) other relevant information.

(b) If a written complaint is referred to the board, the board, at least as frequently as quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

(c) The board by rule shall adopt a form to standardize information concerning complaints made to the board. The board by rule shall prescribe information to be provided to a person when the person files a complaint with the board.

(d) The board shall provide reasonable assistance to a person who wishes to file a complaint with the board.

Sec. 50.0222. COMPLAINT INVESTIGATION AND DISPOSITION. (a) The board shall adopt rules concerning the investigation of a complaint filed with the department and referred to the board. The rules adopted under this subsection shall:

(1) distinguish between categories of complaints;

(2) ensure that complaints are not dismissed without appropriate consideration;

(3) require that the board be advised of a complaint that is dismissed and that a letter be sent to the person who filed the complaint explaining the action taken on the dismissed complaint;

(4) ensure that the person who filed the complaint has an opportunity to explain the allegations made in the complaint; and

(5) prescribe guidelines concerning the categories of complaints that require the use of a private investigator and the procedures for the board to obtain the services of a private investigator.

(b) The board shall dispose of all complaints in a timely manner. The board shall establish a schedule for conducting each phase of a complaint that is under the control of the board not later than the 30th day after the date the complaint is received by the board. The schedule shall be kept in the information file for the complaint and all parties shall be notified of the projected time requirements for pursuing the complaint. A change in the schedule must be noted in the complaint information file and all parties to the complaint must be notified not later than the seventh day after the date the change is made.

(c) The program director for the board shall notify the board of a complaint that extends beyond the time prescribed by the board for resolving the complaint so that the board may take necessary action on the complaint.

Sec. 50.0223. INFORMAL PROCEEDINGS. (a) The board by rule shall adopt procedures governing:

(1) informal disposition of a contested case under Section 13(e), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes); and

(2) informal proceedings held in compliance with Section 18(c), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes).

(b) Rules adopted under this section must provide the complainant and the license or order of recognition holder an opportunity to be heard and must require the presence of a representative of the department's legal staff to advise the board or board's employees.

Sec. 50.0224. MONITORING OF LICENSE OR ORDER OF RECOGNITION HOLDER. The board by rule shall develop a system for monitoring license or order of recognition holders' compliance with the requirements of this Act. Rules adopted under this section shall include procedures for monitoring a license or order of recognition holder who is ordered by the board to perform certain acts to ascertain that the license or order of recognition holder performs the required acts and to identify and monitor license or order of recognition holders who represent a risk to the public.

SECTION 25. Section 50.023, Human Resources Code, is amended to read as follows:

Sec. 50.023. EXPIRATION AND RENEWAL. (a) The board [~~department~~] by rule shall adopt a system under which licenses [~~certificates~~] or orders of recognition issued under this chapter expire on various dates during the year, and the dates for renewal shall be adjusted accordingly. A person may renew an expired license [~~On renewal of the certificate~~] or order of recognition by paying to the department before [~~or on~~] the expiration date of the license or order the required[~~, the total~~] renewal fee [~~is payable~~].

(b) Not later than 30 days before the expiration date, the board [~~department~~] shall notify in writing each person licensed [~~certified~~] of the date of the expiration of a license [~~certificate~~] or order of recognition issued to the person at the person's last known address according to the records of the board [~~him, the amount of the fee for renewal, and the continuing education provisions that are required for its renewal for one year. The department shall attempt to obtain from the person a signed receipt confirming receipt of the notice~~].

(c) If a person's license [~~certificate~~] or order of recognition has been expired for [~~not longer than~~] 90 days or less, the person may renew the license [~~certificate~~] or order of recognition by paying to the department the required renewal fee and a fee that is one-half of the examination fee for the license [~~certificate~~].

(d) If a person's license [~~certificate~~] or order of recognition has been expired for longer than 90 days but less than one year [~~two years~~], the person may renew the license [~~certificate~~] or order of recognition by paying to the department all unpaid renewal fees and a fee that is equal to the examination fee for the license [~~certificate~~].

(e) If a person's license [~~certificate~~] or order of recognition has been expired for one year [~~two years~~] or longer, the person may not renew the license [~~certificate~~] or order of recognition. The person may obtain a new license [~~certificate~~] or order of recognition by submitting to reexamination, if an examination was originally required, and complying with the requirements and procedures for obtaining an original license [~~certificate~~] or order of recognition. However, the board may renew without reexamination an expired license or order of recognition of a person who was certified in this state, moved to another state, and is currently licensed and has been in practice in the other state for the two years preceding application. The person must pay to the department a fee that is equal to the examination fee for the license or order of recognition.

SECTION 26. Section 50.024, Human Resources Code, is amended to read as follows:

Sec. 50.024. SPECIALTY [~~DEPARTMENT~~] REGULATION. (a) The board [~~department~~] may establish, within the scope of social work and this chapter, specifically designed areas of specialty work service or practice for those persons licensed [~~certified~~] and in good standing as licensed master [~~certified social workers or~~] social workers. The basis for board [~~department~~] action in establishing a social work specialty shall be founded in the public interest and necessity and for the purpose of practicing, aiding, and assisting the public in identifying those persons in the professions qualified to practice or perform specialty services.

(b) In establishing a specialty service or practice, the board [~~department~~] shall define the scope of the specialty, establish standards of special qualifications for the specialty workers or practitioners that will accurately and truly describe the parameters of the specialty and the use of which will be prohibited to those who have not satisfied the board's [~~department's~~] requirements for qualification in the specialty, adopt rules of conduct for specialty practitioners that will ensure strict compliance with and enforcement of this chapter, and adopt rules for suspending or revoking the order of recognition in the specialty.

(c) A specialty may not be authorized for the private practice of social work except for those persons licensed [~~certified~~] as licensed master [~~certified~~] social workers under this chapter meeting the minimum number of years of actual and active social work practice with appropriate supervision and examination as determined by the board [~~department~~]. However, the board [~~department~~] may not establish any specialty or specialty identification in conflict with any licensing law of this state.

(d) The board shall establish a social work specialty for those persons qualified for the practice of clinical social work. Use of the title "Advanced Clinical Practitioner" or the initials "A.C.P." shall be restricted to those persons who have qualified for the practice of clinical social work under this chapter. A specialty may not be authorized for the practice of

clinical social work except for those persons licensed as licensed master social workers under this chapter meeting the minimum number of years of actual and active social work practice with appropriate supervision and clinical examination as determined by the board.

(e) Persons recognized as being qualified for the practice of clinical social work pursuant to the provisions of this section shall, for the purposes of Article 21.52, Insurance Code, be authorized to use the title "advanced clinical practitioner" or any other title approved by the board and said other title shall mean the same as and be equivalent to, for any and all purposes whatsoever, the title "advanced clinical practitioner" as used in Article 21.52, Insurance Code.

SECTION 27. Section 50.025, Human Resources Code, is amended to read as follows:

Sec. 50.025. LIMITATIONS. After the effective date of an order of the board [~~department~~] establishing areas of specialty service or practice, a licensed master [~~certified~~] social worker or licensed social worker may not make use of a specialty professional identification or title designated by the board [~~department~~] until the person has qualified and been recognized by the board [~~department~~] as worthy of the public trust in performing services within the scope of the specialty.

SECTION 28. Section 50.026, Human Resources Code, is amended to read as follows:

Sec. 50.026. RECOGNITION ORDER. After a licensed master [~~certified~~] social worker or licensed social worker has met all requirements of the board [~~department~~] for recognition in a specialty established by the board [~~department~~], the board [~~department~~] shall recognize the person as so qualified. The recognition shall be evidenced by an order of recognition of specialty of a name, design, and content as the board [~~department~~] shall determine, setting forth the full name of the person, official specialty serial number, the signature of the presiding officer [~~commissioner and the chairman~~] of the board [~~council~~], and the board's [~~department's~~] official seal. Issue of the order of recognition of specialty shall be evidence that the person to whom it is issued has been recognized by this state as a specialty social work practitioner under the name or title designated by the board [~~department~~].

SECTION 29. Section 50.027, Human Resources Code, is amended to read as follows:

Sec. 50.027. EXPIRATION. The board [~~department~~] by rule shall adopt a system under which orders of recognition of specialty practice expire on various dates during the year, and the dates for renewal shall be adjusted accordingly. On renewal of the specialty order of recognition on the expiration date, the total specialty order of recognition renewal fee is payable.

SECTION 30. Section 50.028, Human Resources Code, is amended to read as follows:

Sec. 50.028. VIOLATIONS. A person who violates this chapter or a rule of the board [~~department~~] pertaining to the practice of social work is subject to a civil penalty of not less than $50 nor more than $500 for each day of violation.

SECTION 31. Section 50.029, Human Resources Code, is amended to read as follows:

Sec. 50.029. INJUNCTIVE RELIEF [~~ENFORCEMENT~~]. (a) When it appears that a person has violated or is violating or is threatening to violate this chapter or a rule or order of the board [~~department~~] pertaining to social work, the board or department may cause a civil suit to be instituted in a district court for injunctive relief to restrain the continued violation or threat of violation or for the assessment and recovery of the civil penalty, as the court may consider proper, or for both injunctive relief and civil penalty. On application for injunctive relief and a finding that a person is violating or threatening to violate this chapter or a rule, variance, or order of the board or department, the district court may grant the injunctive relief that the facts warrant.

(b) At the request of the board or department, the attorney general shall institute and conduct a suit in the name of this state for injunctive relief or to recover the civil penalty or for both injunctive relief and penalty, as authorized in Subsection (a) [~~of this section~~].

SECTION 32. Section 50.030, Human Resources Code, is amended to read as follows:

Sec. 50.030. FUNDS [~~APPROPRIATION~~]. [~~For the biennium ending August 31, 1983, the funds received in the social workers fund are appropriated to the department to be expended by it in the administration of this chapter.~~] To the extent applicable, the general rules of the General Appropriations Act apply to the expenditure of funds under an [~~this~~] appropriation.

SECTION 33. Section 50.031, Human Resources Code, is amended to read as follows:

Sec. 50.031. GRANTS. The board or department may [~~department is hereby empowered and authorized to~~] take all action necessary to qualify for, accept, and receive funds or grants made available by the United States or an agency of the United States, by this state or any agency of this state, or by a private foundation or other source for the establishment and maintenance of programs of continuing education.

SECTION 34. Section 50.032, Human Resources Code, is amended to read as follows:

Sec. 50.032. ENDORSEMENT [~~Reciprocity~~]. (a) The board [~~department~~] may, on application and payment of the appropriate fee, grant a provisional license to a [~~certify as a certified social worker,~~] social worker[~~,~~] or social work associate [~~a person~~] who is appropriately certified or licensed by another state, territory, or possession of the United States if the requirements of that state, territory, or possession for the certificate or license are the substantial equivalent of the requirements of this chapter as determined by the board [~~department~~]. An applicant for a provisional license under this section must:

(1) be licensed in good standing as a social worker or social work associate in another state, the District of Columbia, or a territory of the United States that has license requirements that are substantially equivalent to the requirements of this chapter;

(2) have passed a national or other examination recognized by the board relating to social work; and

(3) be sponsored by a person licensed by the board under this chapter with whom the provisional license holder may practice under this section.

(b) An applicant for a provisional license may be excused from the requirement of Subsection (a)(3) if the board determines that compliance with that subsection constitutes a hardship to the applicant.

(c) A provisional license is valid until the date the board approves or denies the provisional license holder's application for a license. The board shall issue a license under this chapter to the holder of a provisional license under this section if:

(1) the provisional license holder passes the examination required by Section 50.014;

(2) the board verifies that the provisional license holder has the academic and experience requirements for a license under this chapter; and

(3) the provisional license holder satisfies any other license requirements under this chapter.

(d) The board must complete the processing of a provisional license holder's application for a license not later than the 180th day after the date the provisional license is issued or at the time licenses are issued following the successful completion of the examination, whichever is later.

(e) [~~(b)~~] The board [~~department~~] may waive any licensure [~~certification~~] requirement for an applicant with a valid certificate or license from another state with which the State of Texas has a reciprocity agreement.

SECTION 35. Section 50.033, Human Resources Code, is amended to read as follows:

Sec. 50.033. EMPLOYMENT OF SOCIAL WORKER. Nothing in this chapter shall be construed as requiring the employment of a licensed [~~certified~~] social worker, [~~a social worker, or~~] a social work associate, or a licensed master social worker by any public agency or private employer. As used in this section, private employer includes but is not limited to a nonprofit corporation.

SECTION 36. Section 50.034, Human Resources Code, is amended to read as follows:

Sec. 50.034. CONTINUING EDUCATION. (a) The board by rule shall establish mandatory [~~department may recognize, prepare, or administer~~] continuing education requirements [~~programs~~] for licensed master [~~certified~~] social workers, licensed social workers, and social work associates licensed [~~certified~~] under this chapter[~~. Participation in the programs is voluntary~~].

(b) The board by rule shall establish a minimum number of hours of continuing education required to renew a license or order of recognition under this chapter. The board may assess the continuing education needs of license or order of recognition holders and may require license or order of recognition holders to attend continuing education courses specified by the board. The board by rule shall develop a process to evaluate and approve continuing education courses.

(c) The board shall identify the key factors for the competent performance by a license or order of recognition holder of the license or order of recognition holder's professional duties. The board shall adopt a procedure to assess a license or order of recognition holder's participation in continuing education programs.

SECTION 37. Subsection (B), Section 2, Chapter 397, Acts of the 54th Legislature, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended to read as follows:

(B) No policy of accident and sickness insurance shall make benefits contingent upon treatment or examination by a particular practitioner or by particular practitioners of the healing arts hereinafter designated unless such policy contains a provision designating the practitioner or practitioners who will be recognized by the insurer and those who will not be recognized by the insurer. Such provision may be located in the "Exceptions" or "Exceptions and Reductions" provisions, or elsewhere in the policy, or by endorsement attached to the policy, at the insurer's option. In designating the practitioners who will and will not be recognized, such provision shall use the following terms: Doctor of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of Chiropractic, Doctor of Optometry, Doctor of Podiatry, Audiologist, Speech-language Pathologist, Doctor in Psychology, [~~Certified Social Worker~~]Advanced Clinical Practitioner, Licensed Dietitian, Licensed Professional Counselor, and Licensed Marriage and Family Therapist.

For purposes of this Act, such designations shall have the following meanings:

Doctor of Medicine: One licensed by the Texas State Board of Medical Examiners on the basis of the degree "Doctor of Medicine";

Doctor of Osteopathy: One licensed by the Texas State Board of Medical Examiners on the basis of the degree of "Doctor of Osteopathy";

Doctor of Dentistry: One licensed by the State Board of Dental Examiners;

Doctor of Chiropractic: One licensed by the Texas Board of Chiropractic Examiners;

Doctor of Optometry: One licensed by the Texas Optometry Board;

Doctor of Podiatry: One licensed by the State Board of Podiatry Examiners;

Audiologist: One with a master's or doctorate degree in audiology from an accredited college or university and who is certified by the American Speech-language and Hearing Association;

Speech-language Pathologist: One with a master's or doctorate degree in speech pathology or speech-language pathology from an accredited college or university and who is certified by the American Speech-language and Hearing Association;

Doctor in Psychology: One licensed by the Texas State Board of Examiners of Psychologists and certified as a Health Service Provider;

[~~Certified Social Worker~~]Advanced Clinical Practitioner: One licensed [~~certified~~] by the Texas State Board of Social Worker Examiners [~~Department of Human Services~~] as a Licensed Master [~~Certified~~] Social Worker with the order of recognition of Advanced Clinical Practitioner;

Licensed Dietitian: One licensed by the Texas State Board of Examiners of Dietitians;

Licensed Professional Counselor: One licensed by the Texas State Board of Examiners of Professional Counselors; and

Licensed Marriage and Family Therapist: One licensed by the Texas State Board of Examiners of Marriage and Family Therapists.

SECTION 38. Sections 1 and 3, Article 21.52, Insurance Code, as amended by Chapters 242 and 824, Acts of the 72nd Legislature, Regular Session, 1991, are reenacted and amended to read as follows:

Sec. 1. DEFINITIONS. As used in this article:

(a) "health insurance policy" means any individual, group, blanket, or franchise insurance policy, insurance agreement, or group hospital service contract, providing benefits for medical or surgical expenses incurred as a result of an accident or sickness;

(b) "doctor of podiatric medicine" includes D.P.M., podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

(c) "doctor of optometry" includes optometrist, doctor of optometry, and O.D.;

(d) "doctor of chiropractic" means a person who is licensed by the Texas Board of Chiropractic Examiners to practice chiropractic;

(e) "licensed dentist" means a person who is licensed to practice dentistry by the State Board of Dental Examiners;

(f) "audiologist" means a person who has received a master's or doctorate degree in audiology from an accredited college or university and is certified by the American Speech-language and Hearing Association;

(g) "speech-language pathologist" means a person who has received a master's or doctorate degree in speech-language pathology from an accredited college or university and is certified by the American Speech-language and Hearing Association to restore speech loss or correct a speech impairment;

(h) "[~~certified social worker—~~]advanced clinical practitioner" means a person who is licensed [~~certified~~] by the Texas State Board of Social Worker Examiners [~~Department of Human Services~~] as a licensed master [~~certified~~] social worker with the order of recognition of advanced clinical practitioner;

(i) "licensed dietitian" means a person who is licensed by the Texas State Board of Examiners of Dietitians;

(j) "licensed professional counselor" means a person who is licensed by the Texas State Board of Examiners of Professional Counselors; [~~and~~]

(k) "psychologist" means a person licensed to practice psychology by the Texas State Board of Examiners of Psychologists; and

(l) [~~(k)~~] "licensed marriage and family therapist" means a person who is licensed by the Texas State Board of Examiners of Marriage and Family Therapists.

Sec. 3. SELECTION OF PRACTITIONERS. Any person who is issued, who is a party to, or who is a beneficiary under any health insurance policy delivered, renewed, or issued for delivery in this state by any insurance company, association, or organization to which this article

applies may select a licensed doctor of podiatric medicine, a licensed dentist, or a doctor of chiropractic to perform the medical or surgical services or procedures scheduled in the policy which fall within the scope of the license of that practitioner, a licensed doctor of optometry to perform the services or procedures scheduled in the policy which fall within the scope of the license of that doctor of optometry, an audiologist to measure hearing for the purpose of determining the presence or extent of a hearing loss and to provide aural rehabilitation services to a person with a hearing loss if those services or procedures are scheduled in the policy, a speech-language pathologist to evaluate speech and language and to provide habilitative and rehabilitative services to restore speech or language loss or to correct a speech or language impairment if those services or procedures are scheduled in the policy, an [~~a certified social worker~~]advanced clinical practitioner to provide the services that fall within the scope of the license of such licensed [~~certified~~] practitioner and which are specified as services within the terms of the policy of insurance, including the provision of direct, diagnostic, preventive, or clinical services to individuals, families, and groups whose functioning is threatened or affected by social or psychological stress or health impairment, if those services or procedures are scheduled in the policy, a licensed dietitian including a provisional licensed dietitian under a licensed dietitian's supervision to provide the services that fall within the scope of the license of that dietitian if those services are scheduled in the policy, a licensed professional counselor to provide the services that fall within the scope of the license of that professional if those services are scheduled in the policy, or a licensed marriage and family therapist to provide the services that fall within the scope of the license of that professional if those services are scheduled in the policy, or a psychologist to perform the services or procedures scheduled in the policy that fall within the scope of the license of that psychologist. The services of an [~~a certified social worker~~]advanced clinical practitioner, licensed professional counselor, or licensed marriage and family therapist that are included in this Act may require a professional recommendation by a doctor of medicine or doctor of osteopathy unless the health insurance policy terms do not require such a recommendation. The payment or reimbursement by the insurance company, association, or organization for those services or procedures in accordance with the payment schedule or the payment provisions in the policy shall not be denied because the same were performed by a licensed doctor of podiatric medicine, a licensed doctor of optometry, a licensed doctor of chiropractic, a licensed dentist, an audiologist, a speech-language pathologist, an [~~a certified social worker~~]advanced clinical practitioner, a licensed dietitian, a licensed professional counselor, or a licensed marriage and family therapist, or a psychologist. There shall not be any classification, differentiation, or other discrimination in the payment schedule or the payment provisions in a health insurance policy, nor in the amount or manner of payment or reimbursement thereunder, between scheduled services or procedures when performed by a doctor of podiatric medicine, a doctor of optometry, a doctor of chiropractic, a licensed dentist, an audiologist, a speech-language pathologist, an [~~a certified social~~

~~worker—~~]advanced clinical practitioner, a licensed dietitian, a licensed professional counselor, or a licensed marriage and family therapist, or a psychologist which fall within the scope of his license or certification and the same services or procedures when performed by any other practitioner of the healing arts whose services or procedures are covered by the policy. Any provision in a health insurance policy contrary to or in conflict with the provisions of this article shall, to the extent of the conflict, be void, but such invalidity shall not affect the validity of the other provisions of this policy. Any presently approved policy form containing any provision in conflict with the requirements of this Act shall be brought into compliance with this Act by the use of riders and endorsements which have been approved by the State Board of Insurance or by the filing of new or revised policy forms for approval by the State Board of Insurance.

SECTION 39. (a) As soon as possible after the effective date of this Act, the governor shall appoint the initial members of the Texas State Board of Social Worker Examiners in accordance with this Act. In making the initial appointments, the governor shall designate members to serve terms as follows:

(1) one member certified as a social worker and eligible for licensure as a licensed social worker under this Act, one member certified as either a certified social worker and eligible for licensure as a licensed master social worker under this Act or a certified social worker—advanced clinical practitioner and eligible for licensure as a licensed master social worker—advanced clinical practitioner, and one public member to serve for terms expiring January 31, 1995;

(2) one member certified as a social worker and eligible for licensure as a licensed social worker under this Act, one member certified as a certified social worker—advanced clinical practitioner and eligible for licensure as a licensed master social worker—advanced clinical practitioner, and one public member to serve for terms expiring January 31, 1997; and

(3) one member certified as either a certified social worker and eligible for licensure as a licensed master social worker under this Act or a certified social worker—advanced clinical practitioner and eligible for licensure as a licensed master social worker—advanced clinical practitioner, one member certified as a certified social worker—advanced clinical practitioner and eligible for licensure as a licensed master social worker—advanced clinical practitioner, and one public member to serve for terms expiring January 31, 1999.

(b) The Texas State Board of Social Worker Examiners may not take any action and is not created until the day after the date that the last appointee to the initial board takes office. On the date of its creation, the board assumes its functions and:

(1) the Council on Social Work Certification is abolished;

(2) the obligations, rights, contracts, equipment, other property, personnel, and records of and the unspent money appropriated to or for the Council on Social Work Certification in the social worker fund are transferred to and for the Texas State Board of Social Worker Examiners;

(3) the rules of the Council on Social Work Certification and Department of Human Services regarding the certification or licensure, recognition, and regulation of social workers are continued in effect as rules of the Texas State Board of Social Worker Examiners until superseded by rule of the new board;

(4) the certificates and orders of recognition in effect that were issued by the Council on Social Work Certification and the Department of Human Services are continued in effect as licenses and orders of recognition of the Texas State Board of Social Worker Examiners as provided in this section;

(5) a complaint or investigation pending before the Council on Social Work Certification or the Department of Human Services is transferred without change in status to the Texas State Board of Social Worker Examiners;

(6) a contested case pending before the Council on Social Work Certification or the Department of Human Services is transferred to the Texas State Board of Social Worker Examiners, and actions taken in the proceeding are treated as if taken by the Texas State Board of Social Worker Examiners; and

(7) any reference in a law to the Council on Social Work Certification means the Texas State Board of Social Worker Examiners.

(c) In order to effect a transition from the certification of social workers to licensure:

(1) any qualified person certified and in good standing as of August 31, 1993, under the Social Work Certification Act as a "certified social worker" shall, upon the date of renewal of the certificate, receive a license as a "licensed master social worker" without examination;

(2) any qualified person certified and in good standing as of August 31, 1993, under the Social Work Certification Act as a "social worker" shall, upon the date of renewal of the certificate, receive a license as a "licensed social worker" without examination;

(3) any qualified person certified and in good standing as of August 31, 1993, under the Social Work Certification Act as a "social work associate" shall, upon the date of renewal of the certificate, receive a license as a "social work associate" without examination, except that any further renewal of a social work associate license may be made only on the satisfaction of all educational requirements required by this Act;

(4) any qualified person certified and in good standing as of August 31, 1993, under the Social Work Certification Act as a "certified social worker—advanced clinical practitioner" shall, upon the date of renewal of the order of recognition, be recognized as being qualified for the private, independent practice of social work under this Act without examination;

(5) any qualified person certified and in good standing as of August 31, 1993, under the Social Work Certification Act as a "certified social worker—advanced clinical practitioner" shall, upon the date of renewal of the order of recognition, be recognized as being qualified for the practice of clinical social work and the use of the authorized specialty designation evidencing same under this Act without examination, and upon application pursuant to the provisions of this Act shall be so recognized;

(6) any person with an application on file for certification as a social work associate with the Department of Human Services as of August 31, 1993, and who completes the requirements of this Act before August 31, 1994, shall be licensed as a social work associate;

(7) any person with an application on file for certification as a social worker with the Department of Human Services as of August 31, 1993, and who completes the requirements of this Act before August 31, 1994, shall be licensed as a licensed social worker; and

(8) any person with an application on file for certification as a certified social worker with the Department of Human Services as of August 31, 1993, and who completes the requirements of this Act before August 31, 1994, shall be licensed as a licensed master social worker.

(d) The Texas State Board of Social Worker Examiners shall adopt rules under this Act not later than March 1, 1994.

SECTION 40. This Act takes effect September 1, 1993.

SECTION 41. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

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

Floor Amendment No. 2

Amend Floor Amendment No. 1 to **C.S.S.B. 1426** by striking the existing SECTION 39 and substituting the following new SECTION 39 to read as follows:

SECTION 39. (a) As soon as possible after the effective date of this Act, the governor shall appoint the initial members of the Texas State Board of Social Worker Examiners in accordance with this Act. In making the initial appointments, the governor shall designate members to serve terms as follows:

(1) one member certified as a certified social worker and eligible for licensure as a "licensed master social worker" under this Act, one member certified as either a social worker and eligible for licensure as a licensed social worker under this Act or certified as a social work associate and eligible for licensure as a social work associate under this Act, and one public member to serve for the terms expiring January 31, 1995;

(2) one member certified as a certified social worker and eligible for licensure as a "licensed master social worker" under this Act, one member certified as either a social worker and eligible for licensure as a licensed social worker under this Act or certified as a social work associate and eligible for licensure as a social work associate under this Act, and one public member to serve for the terms expiring January 31, 1997; and

(3) one member certified as a certified social worker and eligible for licensure as a "licensed master social worker" under this Act, one member certified as either a social worker and eligible for licensure as a

licensed social worker under this Act or certified as a social work associate and eligible for licensure as a social work associate under this Act, and one public member to serve for the terms expiring January 31, 1999.

(b) The Texas State Board of Social Worker Examiners may not take any action and is not created until the day after the date that the last appointee to the initial board takes office. On the date of its creation, the board assumes its functions and:

(1) the Council on Social Work Certification is abolished;

(2) the obligations, rights, contracts, equipment, other property, personnel, and records of and the unspent money appropriated to or for the Council on Social Work Certification in the social worker fund are transferred to and for the Texas State Board of Social Worker Examiners;

(3) the rules of the Council on Social Work Certification and Department of Human Services regarding the certification or licensure, recognition, and regulation of social workers are continued in effect as rules of the Texas State Board of Social Worker Examiners until superseded by rule of the new board;

(4) the certificates and orders of recognition in effect that were issued by the Council on Social Work Certification and the Department of Human Services are continued in effect as licenses and orders of recognition of the Texas State Board of Social Worker Examiners as provided in this section;

(5) a complaint or investigation pending before the Council on Social Work Certification or the Department of Human Services is transferred without change in status to the Texas State Board of Social Worker Examiners;

(6) a contested case pending before the Council on Social Work Certification or the Department of Human Services is transferred to the Texas State Board of Social Worker Examiners, and actions taken in the proceeding are treated as if taken by the Texas State Board of Social Worker Examiners; and

(7) any reference in a law to the Council on Social Work Certification means the Texas State Board of Social Worker Examiners.

(c) In order to effect a transition from the certification of social workers to licensure:

(1) any qualified person certified in good standing as of August 31, 1993, under the Social Work Certification Act as a "certified social worker" shall, upon the date of renewal of the certificate and subsequent renewals, receive a license as a "licensed master social worker" without examination under the requirements in effect on or before August 31, 1993;

(2) any qualified person certified in good standing as of August 31, 1993, under the Social Work Certification Act as a "social worker" shall, upon the date of renewal of the certificate and subsequent renewals, receive a license as a "licensed social worker" without examination under the requirements in effect on or before August 31, 1993;

(3) any qualified person certified in good standing as of August 31, 1993, under the Social Work Certification Act as a "social work associate" shall, upon the date of renewal of the certificate and subsequent renewals, receive a license as a "social work associate" without examination under the requirements in effect on or before August 31, 1993;

(4) any qualified person certified in good standing as of August 31, 1993, under the Social Work Certification Act as a "certified social worker—advanced clinical practitioner" shall, upon the date of renewal of the order of recognition and subsequent renewals, be recognized as being qualified for the private, independent practice of social work under this Act, without examination under the requirements in effect on or before August 31, 1993;

(5) any qualified person certified in good standing as of August 31, 1993, under the Social Work Certification Act as a "certified social worker—advanced clinical practitioner" shall, upon the date of renewal of the order of recognition and subsequent renewals, be recognized as being qualified for the practice of clinical social work and the use of the authorized specialty designation evidencing same under this Act without examination, and upon application pursuant to the provisions of this Act shall be so recognized;

(6) any person with an application on file for certification as a social work associate with the Department of Human Services as of August 31, 1993, and who completes the requirements in effect on the day the application was submitted shall be licensed as a social work associate;

(7) any person with an application on file for certification as a social worker with the Department of Human Services as of August 31, 1993, and who completes the requirements of this Act before August 31, 1994, shall be licensed as a licensed social worker; and

(8) any person with an application on file for certification as a certified social worker with the Department of Human Services as of August 31, 1993, and who completes the requirements in effect on the day the application was submitted shall be licensed as a licensed master social worker.

(d) The Texas State Board of Social Worker Examiners shall adopt rules under this Act not later than March 1, 1994.

SECTION 40. This Act takes effect September 1, 1993.

SECTION 41. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

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

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

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

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

COMMITTEE SUBSTITUTE SENATE BILL 1426 ON THIRD READING

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1426** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

SENATE BILL 1359 ON SECOND READING

Senator Shelley moved to suspend the regular order of business to take up for consideration at this time:

S.B. 1359, Relating to repealing the exemption of certain students from paying tuition charged by public institutions of higher education.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent: Luna, Montford.

Absent-excused: Madla.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

Amend **S.B. 1359** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. The heading to Section 54.207, Education Code, is amended to read as follows:

Sec. 54.207. STUDENTS FROM OTHER NATIONS OF THE AMERICAN HEMISPHERE AND CERTAIN TEXAS RESIDENTS.

SECTION 2. Section 54.207(a), Education Code, is amended to read as follows:

(a) The governing boards of the institutions of higher education may annually exempt from the payment of tuition and fees for undergraduate courses the following students who demonstrate financial need, as defined by the Texas Higher Education Coordinating Board:

(1) 100 [~~200~~] native-born students from the other nations of the American hemisphere; [~~and~~]

(2) 35 native-born students from a Latin American country designated by the United States Department of State; and

(3) 100 students who are Texas residents, as defined by Texas Higher Education Coordinating Board rule.

SECTION 3. The change in law made by this Act applies only to tuition and fees that become due beginning with the fall semester in 1995. Tuition and fees that became due before that semester are governed by the law in effect at the time the tuition and fees became due, and that law is continued in effect for that purpose only.

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, and that this Act take effect and be in force from August 1, 1995.

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

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

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

SENATE BILL 1359 ON THIRD READING

Senator Shelley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1359** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

SENATE BILL 1444 ON SECOND READING

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

S.B. 1444, Relating to protective orders for family violence.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **S.B. 1444** as follows:

(1) Add an appropriately numbered section to read as follows and renumber the remaining sections of the bill as appropriate:

SECTION_____. Section 71.04(b), Family Code, is amended to read as follows:

(b) An application may be filed by:

(1) an adult member of a family or household for the protection of the applicant or for any other member of the family or household;

(2) any adult for the protection of a child member of a family or household; [~~or~~]

(3) any prosecuting attorney who represents the state in a district or statutory county court in the county in which venue of the application is proper for the protection of any person alleged to be a victim of family violence; or

(4) the Department of Protective and Regulatory Services for the protection of a member of a family or household.

(2) In Section 6 of the bill, in added Section 71.06(e), Family Code, strike Subdivision (4) and substitute the following:

(4) going to or near the residence of a member of the family or household, unless the court awards the residence in a manner that results in a change of residence of the party for whom an order made under this title is intended to protect, requiring the modification of the protective order.

(3) Strike Section 12 of the bill, amending Section 71.121, Family Code, and substitute the following:

SECTION ____. Section 71.121, Family Code, is amended to read as follows:

Sec. 71.121. REQUEST BY RESPONDENT FOR PROTECTIVE ORDER. (a) To apply for a protective order against an applicant, a respondent must file a separate application under this chapter.

(b) A court may not delay a hearing on an applicant's application for a protective order beyond the time provided by Section 71.09 of this code in order to consolidate it with a hearing on a respondent's application for a protective order against the applicant.

(c) A court may not enter a [~~single~~] protective order that applies to both the respondent and the applicant unless the order embodies an agreement of the parties under Section 71.12(a) of this code.

(d) A court that enters a protective order that applies to both the respondent and the applicant and that requires the respondent to do or refrain from doing an act under Section 71.11(b) of this code shall issue two separate documents that each contain the provisions of the protective order. The court shall provide one of the documents to the applicant and the other to the respondent.

[~~(b) To apply for a protective order against an applicant, a respondent must file a separate application under this chapter.~~

[~~(c) A court may not delay a hearing on an applicant's application for a protective order beyond the time provided by Section 71.09 of this code in order to consolidate it with a hearing on a respondent's application for a protective order against the applicant.~~]

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

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

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

SENATE BILL 1444 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1444** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

COMMITTEE SUBSTITUTE HOUSE BILL 196 ON SECOND READING

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

C.S.H.B. 196, Relating to prohibiting the consideration of race in adoptions and foster care.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Amend SECTION 2 to **C.S.H.B. 196** by adding the words "or delay" after the word "prohibit" and the words "or otherwise discriminate" after the words "from foster care" and then striking the word "solely", to read as follows:

"SECTION 2. Subchapter B, Chapter 41, Human Resources Code, is amended by adding Section 41.028 to read as follows:

Sec. 41.028. RACE OR ETHNICITY. The department may not prohibit or delay the placement of a child in foster care or remove a child from foster care or otherwise discriminate on the basis of race or ethnicity of the child or the foster family."

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

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

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

COMMITTEE SUBSTITUTE HOUSE BILL 196 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 196** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

COMMITTEE SUBSTITUTE HOUSE BILL 241 ON SECOND READING

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

C.S.H.B. 241, Relating to the recertification of emergency medical services personnel.

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

COMMITTEE SUBSTITUTE HOUSE BILL 241 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 241** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

(Senator Henderson in Chair)

COMMITTEE SUBSTITUTE HOUSE BILL 997 ON SECOND READING

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

C.S.H.B. 997, Relating to receipt of funds in the water assistance fund and water development fund, to furthering the implementation of the program to assist economically distressed areas, and to enhancing the economic development of economically distressed areas and border counties; declaring an emergency.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

Amend **C.S.H.B. 997** as follows:

Label the existing SECTIONS 1 through 9 as ARTICLE I, label the existing SECTON 10 as ARTICLE III and renumber accordingly, and insert the following as ARTICLE II:

SECTION 1. DEFINITIONS. In this Act:

(1) "Assets" means all physical assets, contract rights, water rights, and all other rights or privileges of any kind or nature which belong to a district.

(2) "City" means the City of El Paso, a home-rule city pursuant to the laws of the State of Texas.

(3) "City's municipal jurisdiction" means the city's authority within the city limits and the extraterritorial jurisdiction of the city.

(4) "Commission" means the Texas Natural Resource Conservation Commission.

(5) "Committee" means the interim and permanent Regional Utility Advisory Committee as hereinafter created.

(6) "County" means El Paso County.

(7) "Debts" means bonded indebtedness and all contractual obligations, claims, judgments, and contingent liabilities for which a person or entity is legally liable.

(8) "Districts" means the following: Deerfield Park Water Supply Corporation, East El Paso Water Supply Corporation, El Paso County Lower Valley Water District Authority, El Paso County Water Authority, El Paso County Water Control and Improvement District No. 4, El Paso County Tornillo Water Improvement District, El Paso County Water Control and Improvement District—Westway, Homestead Municipal Utility District, Haciendas del Norte Water Improvement District, San Elizario Grant Municipal Utility District, Tornillo Water Supply Corporation, any other water supply corporation, or any other district in the county created by Article XVI, Section 59, of the Texas Constitution providing utility service as defined herein and located in the county, but excluding the El Paso County Water Improvement District No. 1.

(9) "PSB" means the Public Service Board, a board of trustees having management and control of the water and wastewater utility systems of the city as established through the encumbrances of the system as provided in Article 1115, Revised Statutes, Ordinance No. 752 (May 22, 1952) and any subsequent ordinance adopted by the city authorizing the issuance of water and wastewater system revenue bonds.

(10) "Regional utility" means the city, acting through its water and wastewater utility systems.

(11) "Regional service" means water and wastewater services.

SECTION 2. PURPOSES OF ACT. The purposes of this Act are:

(1) to encourage and provide for the orderly consolidation of the districts in the county into a regional utility in order to:

(A) ensure the provision of utility services to all residents of the county at the lowest possible cost according to a regional plan;

(B) eliminate unnecessary competition by the districts for limited water, financial, and other valuable resources;

(C) take advantage of economies of scale with regard to the provision of utility services in the county; and

(D) conjunctively manage the limited resources of surface water and groundwater of the county so that the integrity and quality of these limited resources are protected and extended to the greatest extent reasonably possible;

(2) to enable the city, acting through its water and wastewater utility as managed and operated by the PSB, or the city council as the case may be, to operate as the regional utility in the county;

(3) to give the regional utility the authority to plan, operate, and provide for utility services on a regional basis;

(4) to provide a framework for the management and operation of a regional utility within and outside of the city's municipal jurisdiction;

(5) to provide for the assumption of the assets and debts of the districts on consolidation into a regional utility; and

(6) to authorize the regional utility to provide water and wastewater services outside of the extraterritorial jurisdiction of the city with the ability to contract and to issue its bonds to buy, own, and construct facilities outside of the municipal jurisdiction.

SECTION 3. DESIGNATION OF CITY AS EL PASO COUNTY REGIONAL UTILITY. (a) On the enactment of an enabling resolution by the City Council of the City of El Paso, the city, through its water and wastewater utility systems as managed by its PSB or by the city council, as the case may be, is hereby designated as the regional utility provider in the county for the purpose of providing utility services within the county. After the enactment of the enabling resolution by the City Council of the City of El Paso, the obligation of the regional utility to act as the regional utility provider as provided by the terms of this Act shall continue in full force and effect and shall only be amended or abolished by the Legislature of the State of Texas.

(b) On enactment of the enabling resolution of the city council of the city or on the effective date of this Act, whichever is later, the regional utility shall:

(1) file an application with the Texas Water Development Board for a regional water supply and wastewater facilities planning grant study pursuant to the provisions of Section 15.406, Water Code, and the applicable rules promulgated by the Texas Water Development Board. In the event of approval of the application by the Texas Water Development Board pursuant to the statute and rules, the regional utility shall enter into a contract with the Texas Water Development Board to conduct a regional water supply and wastewater facilities planning study which shall include all of the county and incorporate any water supply and wastewater facilities currently being designed or constructed in the county. Results of this planning effort shall be completed within 12 months after execution of a contract with the Texas Water Development Board and shall result in a plan which shall include an implementation schedule and associated preliminary costs for water and wastewater facilities to provide service and a financial plan and rate study to meet the projected water and wastewater needs within the county to the year 2040. The regional utility shall review the plan every five years to consider any amendment or modification that may be needed because of changed conditions. The regional utility shall amend or modify the plan as experience and changed conditions require. Any such amendment or modification becomes a part of the plan; and

(2) file an application with the Texas Water Development Board for a regional water supply planning grant pursuant to the provisions of Section 15.406, Water Code, and the applicable rules promulgated by the Texas Water Development Board. In the event of approval of the application by the Texas Water Development Board pursuant to the applicable statute and rules, the regional utility shall enter into a contract with the Texas Water Development Board for the preparation of a regional water supply planning study which shall include all of the county. Results of the planning effort shall be completed within six months after execution of a contract with the Texas Water Development Board and shall result in a plan which shall identify projected water demands and available and potential supplies to meet the water supply needs within the county to the year 2040.

(c) Subject to the provisions of all outstanding water or wastewater system revenue bonds of the city, the regional utility shall serve any area or areas within the county, is hereby designated as the utility service provider within the county, and shall receive priority consideration for purposes of state funding.

(d) As the regional utility provider, the regional utility shall receive priority consideration for purposes of state funding of regional planning for the provision of utility service outside the city's municipal jurisdiction. The regional utility may enter into agreements and cooperative projects with political subdivisions and other governmental entities in this state, the State of New Mexico, the International Boundary and Water Commission, and the Republic of Mexico or any responsible political subdivision thereof to:

(1) promote regional planning for the provision of utility services;

(2) promote regional planning which is consistent with the United States-Mexico integrated border plan;

(3) coordinate the regional planning with the comprehensive state water plan;

(4) finance or seek financing for the water and wastewater infrastructure, especially in economically distressed areas;

(5) provide for regional drought and water supply management;

(6) collect and disseminate water and wastewater regional data;

(7) coordinate state level financial and technical assistance in extending or creating water and wastewater service;

(8) promote conservation planning, education, and research of surface water and groundwater resources;

(9) promote preservation of human health and the environment;

(10) promote water quality; and

(11) accomplish any other related regional utility purpose.

SECTION 4. ORGANIZATION OF THE REGIONAL UTILITY ADVISORY COMMITTEE. (a) Within 30 days of the resolution of the city council provided for in Subsection (a) of Section 3 of this Act there shall be created a committee known as the Regional Utility Advisory Committee, consisting during the first terms of office of nine appointed members. Of these nine members, the commissioners court of the county shall appoint five members and the city shall appoint four members. Of the five members appointed by the commissioners court:

(1) one appointee shall be a qualified voter residing within the jurisdiction of the El Paso County Lower Valley Water District Authority;

(2) one appointee shall be a qualified voter residing within the jurisdiction of the El Paso County Water Authority;

(3) one appointee shall be a qualified voter residing within the jurisdiction of either the El Paso County Water Control and Improvement District—Westway or the City of Anthony Water Utility;

(4) one appointee shall be a qualified voter residing within the jurisdiction or the service area of Deerfield Park Water Supply Corporation, East El Paso Water Supply Corporation, Homestead Municipal Utility District, or Haciendas del Norte Water Improvement District; and

(5) one appointee shall be a qualified voter residing within the jurisdiction or service area of El Paso County Tornillo Water Improvement District, Tornillo Water Supply Corporation, El Paso County Water Control and Improvement District No. 4, or San Elizario Grant Municipal Utility District.

(b) The terms for these interim committee members shall be three years. After the expiration of the terms of office of the interim nine-member committee, the permanent committee shall consist of seven members, five of whom are to be appointed by the commissioners court of the county and two of whom are to be jointly appointed by the mayors of the incorporated municipalities, other than the city, within the county. The duties of both the interim and permanent committees shall be to act as an advisory body to the regional utility on matters related to:

(1) the priorities in the provision of utility services;

(2) the rates and charges for the services outside of the corporate limits of the city;

(3) regional planning;

(4) adoption of or amendments to rules and regulations affecting provision of utility service outside of the corporate limits of the city; and

(5) any other matter requested by the regional authority.

(c) Each member of the permanent committee appointed by the commissioners court of the county shall be a qualified voter residing within the county and outside the city's municipal jurisdiction. Each member of the committee appointed by the mayors of the other incorporated cities within the county shall be a qualified voter residing within the county and within one or the other of the incorporated municipalities other than the city. Each member of both the interim and permanent committees shall also be over 18 years of age and shall have resided in the county for a minimum of six months immediately prior to the date of appointment.

(d) Two of the members of the permanent committee appointed by the commissioners court of the county and the two members appointed by the mayors of the incorporated municipalities in the county shall serve for three years. All other members of the permanent committee, after the first term of the first four members of the permanent committee, shall be appointed to serve two-year terms. A vacancy on the permanent committee shall be filled by appointment for the unexpired term by the commissioners court or the mayors of the incorporated municipalities, whichever appointed the member whose seat was vacated.

(e) A person is disqualified from serving as a member of either committee if:

(1) he is related within the third degree of affinity or consanguinity to:

(A) a developer of property in the county;

(B) any elected official of the city or county;

(C) any manager of the regional utility; or

(D) any other member of the committee;

(2) he is an employee or officer of:

(A) any developer of property in the county;

(B) any elected official of the city, other incorporated cities within the county, or the county;

(C) any manager of the regional utility; or

(D) any manager, engineer, or attorney for a district, the county, the city, or other incorporated municipality within the county;

(3) he is a developer of property in the county;

(4) he is serving as an attorney, consultant, engineer, manager, architect, or in some other professional capacity for the regional utility, the county, a district or an incorporated city within the county, or for a developer of property within the county in connection with the regional utility service; or

(5) he is a party to a contract with or along with the regional utility except for the purchase of public services furnished by the regional utility to the public generally.

SECTION 5. ADDITIONAL RIGHTS AND POWERS OF THE REGIONAL UTILITY. (a) For the purposes of providing utility service and operating a regional utility in the county, the regional utility shall have

all powers and authority provided in Sections 402.001 and 402.002, Local Government Code. The regional utility shall specifically have the authority to apply for and obtain grants and loans for the purpose of providing utility service outside of the city's municipal jurisdiction and for the purpose of funding and providing for regional projects with other states and the Republic of Mexico. This Act authorizes the regional utility pursuant to the regional water supply and wastewater facilities plan prepared pursuant to Subsection (b) of Section 3 of this Act to:

(1) contract with other local governments, municipalities, districts, river authorities, or other state or governmental entities within this state, within other states, or within the Republic of Mexico;

(2) obtain grants and loans to provide utility service outside of the city's municipal jurisdiction;

(3) provide for planning and construction of regional projects including water supply or wastewater treatment facilities; and

(4) otherwise promote the regionalization of utility services within the county and surrounding areas.

(b)(1) For the purposes of providing utility service and operating a regional utility in the county outside of the municipal jurisdiction of the city, the regional utility may issue its revenue bonds, notes, revenue anticipation notes, bond anticipation notes, short-term obligations, refunding bonds, or other obligations for any of its purposes without an election and on terms the city council of the city determines to be appropriate.

(2) Obligations may be made payable from all or part of the revenues of the regional utility derived from any lawful source, including any contract with any customer or user of the facilities owned or operated by the regional utility under this Act or from the ownership and operation of any waterworks system, wastewater system, sewer system, solid waste disposal system, nonhazardous liquid waste system, or any combination of those systems. Additionally, those obligations may be paid from and secured by liens on and pledges of all or part of any of the revenue, income, or receipts derived by the regional utility from its ownership, operation, lease, or sale of the property, buildings, structures, or facilities, including the proceeds or revenues from contracts with any person, firm, corporation, municipality, public agency, or other political subdivision or entity.

(3) Bonds or other obligations may be issued to mature serially or otherwise in not to exceed 40 years from their date of issuance, and provision may be made for the subsequent issuance of additional parity obligations or subordinate lien obligations under terms or conditions that may be set forth in the ordinance authorizing the issuance of the obligations.

(4) The bonds or other obligations are negotiable instruments within the meaning of Chapter 8, Business & Commerce Code.

(5) The bonds or other obligations shall be executed and made redeemable before maturity, issued in the form, denominations, and manner and under the terms, conditions, and details, and sold in the manner, at the price, and under the terms provided by the bond ordinance.

(6) The bonds or other obligations shall bear interest at rates provided in the ordinance authorizing the issue of the bonds or other obligations.

(7) If provided in the bond ordinance, the proceeds from the sale of the bonds or other obligations may be used for paying interest on those bonds or other obligations during the period of the acquisition or construction of any facilities to be provided through the issuance of the bonds or other obligations, paying expenses of operation and maintenance of facilities, creating a reserve fund for the payment of principal of and interest on the bonds or other obligations, and creating any other funds.

(8) The proceeds from the sale of the bonds or other obligations may be placed on time deposit or invested to the extent and in the manner provided by the bond ordinance.

(9) The regional utility may pledge all or any part of its revenue, income, or receipts from fees, rentals, rates, charges, or contract proceeds or payments to the payment of such bonds or other obligations, including the payment of principal, interest, and any other amounts required or permitted in connection with the bonds or other obligations. The pledged fees, rentals, rates, charges, proceeds, or payments shall be established and collected in amounts that will be at least sufficient, together with any other pledged resources, to provide for the payment of expenses in connection with the bonds or other obligations and for the operation, maintenance, and other expenses in connection with those facilities.

(10) Such bonds and other obligations may be additionally secured by mortgages or deeds of trust on real property owned or to be acquired by the regional utility and by chattel mortgages or liens on any personal property appurtenant to the real property. The regional utility may authorize the execution of trust indentures, mortgages, deeds of trust, or other forms of encumbrances. It may pledge to the payment of the obligations all or any part of any grant, donation, revenue, or income received or to be received from the United States government or any other public or private source.

(11) The regional utility is the issuer within the meaning of Chapter 53, Acts of the 70th Legislature, 2nd Called Session, 1987 (Article 717k-8, Vernon's Texas Civil Statutes), and bonds issued pursuant to this Act and the appropriate proceedings authorizing their issuance must be submitted to the attorney general for examination if required to be submitted by Chapter 53, Acts of the 70th Legislature, 2nd Called Session, 1987 (Article 717k-8, Vernon's Texas Civil Statutes). If the bonds recite that they are secured by a pledge of revenue from a contract, a copy of the contract and the proceedings relating to the contract must be submitted to the attorney general. If the attorney general finds that the bonds are authorized and the contract is entered in accordance with law, the attorney general shall approve the bonds and the contract, and the bonds shall be registered by the comptroller. After approval and registration, the bonds and the contract are incontestable in any court or other forum for any reason and are valid and binding obligations in accordance with their terms for all purposes.

(12) The regional utility shall issue its bonds and other obligations in accordance with Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes), and the Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes), as applicable.

(c)(1) The regional utility may enter into contracts with any public or private party or body considered necessary in the exercise of the powers and purposes of the regional utility under this Act. This authority shall extend to those areas outside of the municipal jurisdiction of the city.

(2) Pursuant to provisions of Subdivision (1) of this subsection, the regional utility may enter into contracts for the acquisition, purchase, rental, lease, or operations of the water production, water supply, water filtration or purification, water supply facilities, or other water or wastewater facilities that are owned or operated by the contracting party.

(3) Contracts that require a payment of money by the regional utility may be made payable from any general or specific source of funds.

(d) So long as the regional utility complies with Chapter 13, Water Code, and the applicable provisions of Section 6 of this Act and except as expressly limited in this Act, the rights and powers described in this Act shall prevail over any limitations contained in any other law.

(e) Notwithstanding any other provisions of this Act, this Act shall not operate to authorize the regional utility to condemn land owned by the state and shall not authorize the regional utility to condemn land or assets owned by any other political subdivision of the state outside of the city's municipal jurisdiction including the districts.

(f) Except to the extent of any tax obligation imposed by any district and necessary to retire any debt existing on the date of consolidation as hereinafter provided, this Act shall not operate to allow the regional utility to tax property outside of the city's corporate limits.

SECTION 6. CONSOLIDATION OF DISTRICTS. (a) The regional utility shall have the authority to consolidate one or more of the districts into the regional utility on the occurrence of one or more of the following events:

(1) a majority vote of the membership of a district operating as a water supply corporation or a majority vote of the board of directors of an investor-owned utility;

(2) a majority vote of the board of directors of a district other than a water supply corporation to dissolve the district by consolidation into the regional utility, followed by an election in the district, at the earliest available uniform election date, at which a majority of the voters voting in the election vote to dissolve the district by consolidation into the regional utility;

(3) on the filing of a petition with the county judge signed by 10 percent of the registered voters of the subject district, other than a water supply corporation, followed by an election on an order by the board of directors of the district. An election held in accordance with this procedure must be held on the next available uniform election date following certification of the petition in accordance with Section 41.001, Election Code.

(b) Notwithstanding the occurrence of a vote or election as provided in Subsection (a) of this section, as to each district with bonds, notes, obligations, or taxes owed, contracted, or authorized at the time of the district's vote into the regional utility, consolidation of a district into the regional utility shall not be final and effective until:

(1) the boards of directors of the regional utility and the district have entered into a consolidation agreement;

(2) as to each district other than a district operating as a water supply corporation, the board has ordered and held an election in the district at which a majority of voters voting in the election approved the terms and conditions of the consolidation agreement;

(3) the district's debts, bonds, notes, obligations and taxes, as applicable, have been paid in full, assumed, or satisfactorily addressed in the consolidation agreement; and

(4) a regional utility consolidation order has been filed by the regional utility in the real property records of the county and the Texas Water Commission.

(c) If an election is required to be held in a district for the purposes of consolidation into the regional utility, then the election shall be held in conformity with the Election Code, as amended, or the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes), and all applicable election law.

(d) At all times prior to final consolidation of a district which has debts or other obligations which may be owed, contracted, or authorized, the district shall:

(1) protect the assets of the district and ensure that they are not impaired;

(2) where applicable and necessary, assess and collect taxes on property in the district to pay debts created by the district; and

(3) pay debts of the district and manage the assets of the district through the sale, lease, or other management of district lands.

(e) If taxes were levied on land within a district consolidated into the regional utility at the time of consolidation and if taxes are necessary to retire existing debt, the regional utility shall continue to assess and collect the taxes, but the regional utility shall not increase tax rates in the district in order to retire debts of the district unless such increase is authorized as provided by existing law.

(f) Consolidation shall be achieved in such a way that it does not violate existing bond covenants and other contractual obligations of the city and its public service board or any district and does not adversely affect their bond ratings.

(g) The regional utility may apply to the Texas Water Development Board for up to $3 million appropriated during the 1994-1995 biennium for grants or loans to encourage and facilitate the regionalization of water and wastewater services in counties directly adjacent to the international border with the Republic of Mexico through Section 15.102, Water Code. Any funds awarded pursuant to this provision shall be used by the regional utility to purchase and refinance district debt in order to achieve a reasonable cost of service to existing customers and facilitate consolidation of water and wastewater services in the county.

SECTION 7. UTILITY SERVICE RATES. (a) The regional utility may establish fees and charges for initiating service to service applicants and rates, fees, and charges for utility service provided to retail customers in the expanded service area or to wholesale customers outside the expanded service areas. Notwithstanding Subsection (b), Section 16.349, Water Code, the regional utility may charge retail service applicants and customers in an area outside the corporate boundaries of the city rates for utility service actually provided based on the actual, documentable cost of providing that service even if the rates so charged exceed the rates charged by the utility to ratepayers inside the corporate boundaries of the city.

(b) The regional utility shall not use utility revenues received from ratepayers inside the corporate boundaries of the city to subsidize costs of providing utility service to ratepayers outside the boundaries of the city nor shall it use utility revenues received from retail ratepayers outside the city to subsidize costs of providing utility service inside the city. The utility shall not pay to or deposit in the general revenue fund revenues received from the rates charged to retail customers outside the city except as required by any existing bond covenant or by any future bond covenant unless the new bonds which are issued are used to fund utility services to ratepayers outside the corporate boundaries of the city.

(c) Ratepayers of the regional utility residing outside the boundaries of the city shall have all rights provided in Chapter 13, Water Code, as applicable.

SECTION 8. PROVISION OF UTILITY SERVICE. (a) As a condition of providing utility service, the regional utility may require that all development in the county meet the minimum construction and development standards established by the Texas Water Development Board for economically distressed areas in accordance with Section 16.343, Water Code, as adopted by the county, and comply with the Rules and Regulation Number 11 of the PSB concerning extension of utility services outside of the city limits to the extent that they do not conflict with any provisions of this Act and the plans developed pursuant to Subsection (b) of Section 3 of this Act.

(b) On consolidation of a district into the regional utility, the regional utility shall be required to provide utility service to those residents of the district pursuant to the provisions of the regional water supply and wastewater facilities plan developed pursuant to Subsection (b) of Section 3 of this Act. Notwithstanding any other provision in this Act, any water supply or wastewater facilities being constructed or designed on the effective date of this Act through grants from the Texas Water Development Board or Farmers Home Administration shall be continued by the regional utility uninterrupted by any delay and be incorporated into the regional water supply and wastewater facilities plan developed pursuant to Subsection (b) of Section 3 of this Act.

(c) In order to plan for regional utility service within the county, the regional utility shall include land which belongs to the permanent school fund of the state within a regional plan. In such event, the provisions of a regional plan shall be binding on permanent school fund land only after the regional utility provides acceptable utility service commitments to the

affected land and obtains the written consent of the School Land Board in accordance with its rules and regulations.

SECTION 9. SEVERABILITY AND CONSTRUCTION. (a) If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable. All the terms and provisions of this Act are declared severable. All the terms and provisions of this Act are to be liberally construed to effectuate the purposes, powers, rights, functions, and authorities herein set forth.

(b) Nothing contained in this Act shall be construed to limit the power of the governing body of the city to control the governing body of the city's water and wastewater utility systems as provided for in Articles 1111 and 1115, Revised Statutes.

(c) Nothing contained in this Act shall be construed to require the city or the governing body of the city's water and wastewater utility systems to provide services other than the water and wastewater services described herein.

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

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

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

COMMITTEE SUBSTITUTE HOUSE BILL 997 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 997** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

HOUSE BILL 1021 ON SECOND READING

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

H.B. 1021, Relating to application to the Texas Water Commission for a waste discharge permit.

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

HOUSE BILL 1021 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1021** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

HOUSE BILL 1312 ON SECOND READING

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

H.B. 1312, Relating to governmental authority and voter rights in the extraterritorial jurisdiction of certain municipalities.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Amend **H.B. 1312** as follows:
(1) Sec. 42.904(a)(1) strike "that has disannexed territory under Section 43.133 that it had previously annexed for limited purposes and".
(2) Sec. 42.904(b)(1) strike "an ordinance or".
(3) Sec. 42.904(b)(1) strike "that" and replace with "or ordinance subject to voter approval".

The amendment was read.

On motion of Senator Brown and by unanimous consent, the amendment was withdrawn.

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

HOUSE BILL 1312 ON THIRD READING

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

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

Absent-excused: Madla.

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

HOUSE BILL 1476 ON SECOND READING

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

H.B. 1476, Relating to administration of retirement systems supervised by the fire fighters' pension commissioner.

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

HOUSE BILL 1476 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1476** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

(President in Chair)

HOUSE BILL 1765 ON SECOND READING

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

H.B. 1765, Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

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

HOUSE BILL 1765 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 1765** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

COMMITTEE SUBSTITUTE SENATE BILL 109 ON SECOND READING

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

C.S.S.B. 109, Relating to presentence investigation reports in certain criminal cases.

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

COMMITTEE SUBSTITUTE SENATE BILL 109 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 109** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

GUEST PRESENTED

The President introduced to the Senate United States Senator Bob Krueger.

The Senate welcomed Senator Krueger.

HOUSE BILL 2289 ON SECOND READING

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

H.B. 2289, Relating to the registration without examination of certain interior designers.

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

HOUSE BILL 2289 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 2289** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

COMMITTEE SUBSTITUTE SENATE BILL 466 ON SECOND READING

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

C.S.S.B. 466, Relating to the qualification of oil from new or expanded enhanced recovery projects for special tax rates.

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

(Senator Parker in Chair)

COMMITTEE SUBSTITUTE SENATE BILL 466 ON THIRD READING

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 466** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0, Present-not voting 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Present-not voting: Moncrief, Montford.

Absent-excused: Madla.

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

RECORD OF VOTES

Senators Moncrief and Montford asked to be recorded as "Present-not voting" on the final passage of the bill.

(President in Chair)

SENATE BILL 1288 ON SECOND READING

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

S.B. 1288, Relating to the admissibility of evidence at the punishment stage of a criminal trial.

The bill was read second time.

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1288**, Section 1(a) by striking the words "by clear and convincing evidence" and inserting between "shown" and "to" the words "beyond a reasonable doubt".

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

Senator Turner offered the following amendment to the bill:

Floor Amendment No. 2

Amend **S.B. 1288**, Section 1(a) by inserting after the phrase "regardless of whether he has previously been charged with or finally convicted of the crime or act" the following:
Upon timely request by the defendant, the state shall provide reasonable notice of its intent to introduce evidence under this article. Such notice shall be given not less than 10 days prior to the beginning of the trial. If the state intends to introduce evidence of extraneous crimes or bad acts which have not resulted in a final conviction in a court of record or a probated or suspended sentence, such notice shall be sufficient if it includes the date and county where the act allegedly occurred and the name of the alleged victim, if any.

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

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

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

SENATE BILL 1288 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1288** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

COMMITTEE SUBSTITUTE SENATE BILL 632 ON SECOND READING

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

C.S.S.B. 632, Relating to the service areas of certain public utilities.

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

COMMITTEE SUBSTITUTE SENATE BILL 632 ON THIRD READING

Senator Carriker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 632** be placed on its third reading and final passage.

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

Absent-excused: Madla.

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

SENATE BILL 1160 WITH HOUSE AMENDMENT

Senator Barrientos called **S.B. 1160** from the President's table for consideration of the House amendment to the bill.

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

Amendment No. 1

Amend **S.B. 1160** by striking Subsection (d) of added Section 11.09, Education Code, and substituting the following:

(d) Proceeds from the real estate transaction conducted under this section shall be deposited to the credit of the general revenue fund.

The amendment was read.

Senator Barrientos moved to concur in the House amendment to **S.B. 1160.**

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

Absent-excused: Madla.

SENATE BILL 510 WITH HOUSE AMENDMENTS

Senator Moncrief called **S.B. 510** from the President's table for consideration of the House amendments to the bill.

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

Committee Amendment No. 1

Amend **S.B. 510**, in Section 33 of the bill, immediately following Section 411.123, Government Code, by adding the following:

"Sec. 411.1235. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: VOLUNTEER FIRE DEPARTMENTS. (a) A volunteer fire department, or a fire department operated by a rural fire prevention district is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is required to be certified by the Texas Commission on Fire Protection and:

(1) is an applicant for a beginning position with the fire department; or

(2) currently holds a position with that fire department.

(b) A fire department is entitled to obtain only criminal history record information that relates to the conviction of the person.

(c) A fire department may not keep or retain criminal history record information obtained under this section in any file. Criminal history record information must be destroyed promptly after the determination of suitability of the person for any position as a volunteer or employee."

Committee Amendment No. 2

Amend **S.B. 510**, starting on page 78, by striking the added Section 411.113 and substituting the following:

Sec. 411.113. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS SCHOOL FOR THE DEAF. (a) The Texas School for the Deaf is entitled to obtain criminal history record information maintained by the Department of Public Safety, the Federal Bureau of Investigation identification division or another law enforcement agency which relates to School employees, professional consultants, applicants for permanent, temporary or consultative employment and volunteer positions whose employment or potential employment or volunteer positions with the School involves direct interactions with, or the opportunity to interact and associate with, the children or youth attending the School.

(b) Criminal history record information obtained by the school under Subsection (a) may not be released or disclosed to any person except on court order, with the consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(c) The school shall destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

(d) The school may provide the applicant, employee, professional consultant or volunteer with a copy of their respective criminal history record information obtained from the Department of Public Safety, Federal Bureau of Investigation identification division, or another law enforcement agency.

(e) The failure or refusal to provide a complete set of fingerprints or a complete name on request constitutes good cause for dismissal or refusal to hire, as applicable, with regard to school employees, professional consultants, and applicants for permanent, temporary or consultative employment or volunteer positions whose employment or potential employment or volunteer position with the school involves direct interactions with, or the opportunity to interact and associate with, the children or youth attending the school.

Committee Amendment No. 3

Amend **S.B. 510**, starting on page 66, by striking the added Section 411.098 and substituting the following:

Sec. 411.098. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED. (a) The Texas School for the Blind and Visually Impaired is entitled to obtain criminal history record information maintained by the Department of Public Safety, the Federal Bureau of Investigation identification division or another law enforcement agency which relates to School employees, professional consultants, applicants for permanent, temporary or consultative employment and volunteer positions whose employment or potential employment or volunteer positions with the School involves direct interactions with, or the opportunity to interact and associate with, the children or youth attending the School.

(b) Criminal history record information obtained by the school under Subsection (a) may not be released or disclosed to any person except on court order, with the consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(c) The school shall destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

(d) The school may provide the applicant, employee, professional consultant or volunteer with a copy of their respective criminal history record information obtained from the Department of Public Safety, Federal Bureau of Investigation identification division, or another law enforcement agency.

(e) The failure or refusal to provide a complete set of fingerprints or a complete name on request constitutes good cause for dismissal or refusal to hire, as applicable, with regard to school employees, professional consultants, and applicants for permanent, temporary or consultative employment or volunteer positions whose employment or potential employment or volunteer position with the school involves direct interactions with, or the opportunity to interact and associate with, the children or youth attending the school.

Committee Amendment No. 4

Amend **S.B. 510** as follows:

On page 26, lines 15-25, and page 27, line 1, delete all of SECTION 22.

Renumber the subsequent sections.

Committee Amendment No. 5

Amend **S.B. 510** as follows:

On page 91 delete Section 411.126. Beginning at line 18, page 91, add the following:

Sec. 411.126. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: VOLUNTEER CENTER OF DALLAS COUNTY. (a) In this section:

(1) "volunteer center" means a nonprofit, tax-exempt organization:

(A) whose primary purposes is to recruit and refer individual volunteers for other nonprofit groups in that area;

(B) is certified as a bona fide volunteer center by the department; and

(C) that is operating on the effective date of this Act as "Volunteer Center of Dallas County".

(2) "volunteer or volunteer applicant" means a person who will perform one or more of the following services without remuneration:

(A) any service performed in a residence;

(B) any service that requires the access to or the handling of money or confidential or privileged information; or

(C) any service that involves the care of or access to:

(i) a child;

(ii) an elderly person; or

(iii) a person who is mentally incompetent, mentally retarded, physically disabled, ill or incapacitated.

(3) "employee or employee applicant" means a person who will perform one or more of the following services or functions for remuneration:

(A) any service performed in a residence;

(B) any service that requires the access to or the handling of money or confidential or privileged information; or

(C) any service that involves the care of ar access to:

(i) a child;

(ii) an elderly person;

(iii) a person who is mentally incompetent, mentally retarded, physically disabled, ill or incapacitated;

(D) coordination or referral of volunteers; or

(E) executive administrative responsibilities.

(4) "client agency" means a non-profit agency served by a volunteer center.

(b) A volunteer center is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an employee, an employee applicant, a volunteer or volunteer applicant of the volunteer center; or

(2) an employee, an employee applicant, a volunteer or volunteer applicant of a client agency.

(c) A volunteer center is entitled to obtain from the department only criminal history record information that relates to a conviction.

(d) The department may establish rules governing the administration of this section.

(e) A volunteer center may disseminate criminal history record information to a client agency, if the client agency has been approved by the department.

(f) A volunteer center or client agency may not keep or retain criminal history record information obtained under this section in any file. Criminal history record information must be destroyed promptly after the determination of suitability of the person for any position as a volunteer or employee.

Committee Amendment No. 6

Amend **S.B. 510** as follows:

On page 9, lines 10-11, strike the words "least quarterly and until"

Committee Amendment No. 7

Amend **S.B. 510** on pages 75 and 76 by striking Subsection (a) of proposed Section 411.109 and substituting the following:

(a) The treasurer is entitled to obtain from the department criminal history record information maintained by the department that the treasurer believes is necessary for the enforcement or administration of Chapter 154 or Chapter 155, Tax Code, including criminal history record information that relates to a person who is:

(1) an applicant for a permit under Chapter 154 or Chapter 155, Tax Code;

(2) a permit holder under either of those chapters;

(3) an officer, director, stockholder owning 10 percent or more of the outstanding stock, partner, owner, or managing employee of an applicant or permit holder under either of those chapters that is a corporation, association, joint venture, syndicate, partnership, or proprietorship;

(4) believed to have violated Chapter 154 or Chapter 155, Tax Code; or

(5) being considered by the treasurer for employment as a peace officer.

Committee Amendment No. 8

Amend **S.B. 510** on page 95, lines 19 and 20, by deleting "Subsections (a), (d), (e), (f), (g) and (h), before the word "Section".

Amendment No. 9

Amend **S.B. 510** as follows:

(1) Strike Section 2 of the bill and substitute the following:

SECTION 2. Section 411.003, Government Code, is amended by amending Subsections (b), (c), and (d) and adding Subsection (f) to read as follows:

(b) The commission is composed of six [~~three~~] citizens of this state appointed by the governor with the advice and consent of the senate. Members must be selected because of their peculiar qualifications for the position. Appointments to the commission shall be made without regard to race, color, disability, sex, religion, age, or national origin. In making an appointment the governor shall consider, among other things, the person's knowledge of laws, experience in the enforcement of law, honesty, integrity, education, training, and executive ability.

(c) Members serve staggered six-year terms with the term of two members [~~one member~~] expiring January 1 of each even-numbered year.

(d) The governor shall designate one member of the commission as chairman of the commission to serve in that capacity at the pleasure of the governor [~~commission annually shall elect a member to serve as chairman~~].

The commission shall meet at the times and places specified by commission rule or at the call of the chairman or any two members.

(f) The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

(2) Add a new section, appropriately numbered, to the bill to read as follows and renumber subsequent sections of the bill accordingly:

SECTION ____. (a) In making the three new initial appointments to the Public Safety Commission authorized by this Act, the governor shall designate one member for a term expiring January 1, 1994, one member for a term expiring January 1, 1996, and one member for a term expiring January 1, 1998.

(b) Until all members appointed under Subsection (a) of this section have taken office, a quorum of the Public Safety Commission is a majority of the members who have taken office.

Amendment No. 10

Amend **S.B. 510** as follows:

(1) Strike Section 25 of the bill (beginning on page 30, line 17, House Committee Report) and substitute a new Section 25 to read as follows:

SECTION 25. Section 22, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and adding Subsections (c) and (g) to read as follows:

(b) Except for the fifth (5th), eleventh (11th), and twelfth (12th) listed grounds in this subsection, for which the director has authority to revoke a license, the authority to suspend the license of any driver as authorized in this Section is granted the director upon determining that the person:

(1) has operated a motor vehicle on a highway while the person's license was suspended;

(2) has been responsible as a driver for any accident resulting in death;

(3) is an habitual reckless or negligent driver of a motor vehicle;

(4) is an habitual violator of the traffic law.

The term "habitual violator" as used herein, shall mean any person with four (4) or more convictions arising out of different transactions in a consecutive period of twelve (12) months, or seven (7) or more convictions arising out of different transactions within a period of twenty-four (24) months, such convictions being for moving violations of the traffic laws of any [~~this~~] state or its political subdivisions other than a violation of:

(A) Section 3 or 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes);

(B) Chapter 293, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701d-12, Vernon's Texas Civil Statutes);

(C) Chapter 608, Acts of the 65th Legislature, Regular Session, 1977 (Article 6701d-12a, Vernon's Texas Civil Statutes);

(D) Chapter 73, Acts of the 54th Legislature, Regular Session, 1955 (Article 6701d-13, Vernon's Texas Civil Statutes);

(E) Chapter 212, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d-14, Vernon's Texas Civil Statutes);

(F) Chapter 8, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6701d-17, Vernon's Texas Civil Statutes); or

(G) Section 107C, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes);

(5) is incapable of safely driving a motor vehicle;

(6) has permitted an unlawful or fraudulent use of such license;

(7) has committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;

(8) has violated a restriction imposed on the use of the license;

(9) has been responsible as a driver for any accident resulting in serious personal injury or serious property damage;

(10) is the holder of a provisional license under Section 11A of this Act and has been convicted of two (2) or more moving violations committed within a period of twelve (12) months;

(11) has not complied with the terms of a citation issued by a jurisdiction that is a member of the Nonresident Violator Compact of 1977 for a violation to which the compact applies;

(12) has a warrant of arrest outstanding, for failure to appear or pay a fine on a complaint, that is issued by a political subdivision that has contracted with the Department under Article 6687c, Revised Statutes;

(13) has committed an offense under Section 186, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes);

(14) has failed to provide medical records or has failed to undergo medical or other examinations as required by a panel of the Medical Advisory Board;

(15) has failed to take, or failed to pass, any examination required by the director under this Act; or

(16) has been reported by a court under Section 1c or 2(a), Chapter 302, Acts of the 55th Legislature, Regular Session, 1957 (Article 6701l-4, Vernon's Texas Civil Statutes), for failure to appear or default in payment of a fine unless the court has filed an additional report on final disposition of the case.

(c) The Department is authorized to seek the suspension of the license of any driver who has been convicted of a violation of the provisions of the Driver's License Compact, Article 6701d-27, Revised Statutes. For the purposes of this Act, a conviction shall be defined in the same manner as in the Driver's License Compact.

(g)(1) The Director is authorized to suspend the driver's license of a person who is younger than 21 years of age, is arrested for an offense under Article 6701l-1, Revised Statutes, and its subsequent amendments or Section 19.05(a)(2), Penal Code, and its subsequent amendments and submits to the taking of a specimen of breath or blood, if an analysis of the specimen shows the person had an alcohol concentration of 0.07 or more.

(2) The period of suspension under this subsection may not exceed one (1) year.

(3) A peace officer who arrests a person who is younger than 21 years of age for an offense specified in Subdivision (1) of this subsection shall as soon as practicable send the Department a sworn report of information relevant to the arrest if analysis of the specimen showed an alcohol concentration of a level specified in that subdivision. The report shall identify the arrested person, state the officer's grounds for believing the person committed the offense, and give the analysis of the specimen. The report shall be made on a form approved by the department and in the manner specified by the department.

(4) A suspension under this subsection is a civil matter, is independent of and is not an estoppel as to any matter at issue in an adjudication of a criminal charge arising from the occurrence that is the basis for the suspension, and does not preclude litigation of the same or similar facts in a criminal prosecution. The disposition of a criminal charge does not affect a suspension under this subsection and is not an estoppel as to any matter at issue in a suspension proceeding under this subsection.

(5) In this subsection "alcohol concentration" has the meaning assigned by Subsection (a), Article 6701l-1, Revised Statutes, and its subsequent amendments.

(2) Strike Section 28 of the bill (beginning on page 35, line 15, House Committee Report) and substitute a new Section 28 to read as follows:

SECTION 28. Section 2, Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (Article 6701l-5, Vernon's Texas Civil Statutes), is amended by amending Subsections (b) and (f) and adding Subsection (j) to read as follows:

(b) Before requesting a person to give a specimen, the officer shall inform the person orally and in writing that if the person refuses to give the specimen, that refusal may be admissible in a subsequent prosecution, and that the person's license, permit, or privilege to operate a motor vehicle will be automatically suspended for 90 days after the date of adjournment of the hearing provided for in Subsection (f) of this section if the person is 21 years of age or older, or one year if the person is younger than 21 years of age, whether or not the person is subsequently prosecuted as a result of the arrest. If the officer determines that the person is a resident without a license or permit to operate a motor vehicle in this state, the officer shall inform the person that the Texas Department of Public Safety shall deny to the person the issuance of a license or permit for a period of 90 days after the date of adjournment of the hearing provided for in Subsection (f) of this section if the person is 21 years of age or older, or one year if the person is younger than 21 years of age, whether or not the person is subsequently prosecuted as a result of the arrest. The officer shall inform the person that the person has a right to a hearing on suspension or denial if, not later than the 20th day after the date on which the notice of suspension or denial is received, the department receives a written demand that the hearing be held.

(f) When the director receives the report, the director shall suspend the person's license, permit, or nonresident operating privilege, or shall issue an order prohibiting the person from obtaining a license or permit, for 90 days if the person is 21 years of age or older, or one year if the person is younger than 21 years of age, effective 28 days after the date the person receives notice by certified mail or 31 days after the date the director sends notice by certified mail, if the person has not accepted delivery of the notice. If, not later than the 20th day after the date on which the person receives notice by certified mail or the 23rd day after the date the director sent notice by certified mail, if the person has not accepted delivery of the notice, the department receives a written demand that a hearing be held, the department shall, not later than the 10th day after the day of receipt of the demand, request a court to set the hearing for the earliest possible date. The hearing shall be set in the same manner as a hearing under Section 22(a), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes). If, upon such hearing the court finds (1) that probable cause existed that such person was driving or in actual physical control of a motor vehicle on the highway or upon a public beach while intoxicated, (2) that the person was placed under arrest by the officer and was offered an opportunity to give a specimen under the provisions of this Act, and (3) that such person refused to give a specimen upon request of the officer, then the Director of the Texas Department of Public Safety shall suspend the person's license or permit to drive, or any nonresident operating privilege for a period of 90 days if the person is 21 years of age or older, or for a period of not more than one year if the person is younger than 21 years of age, as ordered by the court. If the person is a resident without a license or permit to operate a motor vehicle in this State, the Texas Department of Public Safety shall deny to the person the issuance of a license or permit for 90 days if the person is 21 years of age or older, or for a period of not more than one year if the person is younger than 21 years of age.

(j) The Texas Department of Public Safety may not reinstate a license suspended under this section unless the person whose license was suspended makes application to the Texas Department of Public Safety for reinstatement of the person's license and pays to the Texas Department of Public Safety a reinstatement fee of $50. The Texas Department of Public Safety shall remit all fees collected under this subsection to the comptroller for deposit in the general revenue fund.

(3) Amend Section 39 of the bill (page 98, between lines 5 and 6, House Committee Report) by adding Subsection (d) to read as follows:

(d) The changes in law made by Sections 25 and 28 of this Act relating to the suspension of the driver's license of a person younger than 21 years of age apply only to a person who is arrested on or after the effective date of this Act. A person arrested before the effective date of this Act is covered by the law in effect when the arrest occurred, and the former law is continued in effect for that purpose.

Amendment No. 11

Amend **S.B. 510** in Section 33 of the bill, following the added Section 411.091 of the Government Code, by inserting the following:

Sec. 411.0915. ACCESS TO CRIMINAL HISTORY INFORMATION OF POLITICAL SUBDIVISIONS: TEXAS ALCOHOLIC BEVERAGE COMMISSION. The commission is entitled to receive criminal history record information, without charge, from any political subdivision of this state. Information obtained may only be used by the commission for the enforcement of the Alcoholic Beverage Code.

Amendment No. 12

Amend **S.B. 510** by adding a new section, appropriately numbered, to the bill, to read as follows and by renumbering subsequent sections of the bill accordingly:

SECTION ____. Section 139(f), Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) Any peace officer of any city [~~having a population of 300,000 or more,~~] certified for this purpose by the Director, may detain any motor vehicle on any street or highway within such city subject to this section or to any regulation adopted in accordance with this section. Such certification procedures including the proper training of said officers shall be determined by the Department. The Department by rule shall establish reasonable fees sufficient to recover from a city the costs of training and certifying peace officers of the city under this section.

Amendment No. 13

Amend **S.B. 510** by adding appropriately numbered sections to the bill to read as follows and by renumbering the existing sections of the bill accordingly:

SECTION ____. Article 60.01, Code of Criminal Procedure, is amended by adding Subdivision (16) to read as follows:

(16) "Electronic means" means the transmission of data between word processors, data processors, or similar automated information equipment over dedicated cables, commercial lines, or other similar methods of transmission.

SECTION ____. Chapter 60, Code of Criminal Procedure, is amended by adding Article 60.061 to read as follows:

Art. 60.061. INFORMATION ON PERSONS LICENSED BY CERTAIN AGENCIES. (a) The Texas State Board of Medical Examiners, the Texas State Board of Podiatry Examiners, the State Board of Dental Examiners, the Texas State Board of Pharmacy, and the State Board of Veterinary Medical Examiners shall provide to the Department of Public Safety through electronic means, magnetic tape, or disk, as specified by the department a list including the name, date of birth, and any other personal descriptive information required by the department for each person licensed by the respective agency. Each agency shall update this information and submit to the Department of Public Safety the updated information monthly.

(b) The Department of Public Safety shall perform at least monthly a computer match of the licensing list against the convictions maintained in the computerized criminal history system. The Department of Public

Safety shall report to the appropriate licensing agency for verification and administrative action, as considered appropriate by the licensing agency, the name of any person found to have a record of conviction, except a defendant whose prosecution is deferred during a period of probation without an adjudication or plea of guilt.

(c) The transmission of information by electronic means under Subsection (a) of this article does not affect whether the information is subject to disclosure under the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

SECTION ____. Article 60.07, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) Subject to available telecommunications capacity, the Department of Public Safety shall develop the capability to receive by electronic means from a law enforcement agency the information on the uniform incident fingerprint card. The information must be in a form that is compatible to the form required of data supplied to the criminal justice information system.

SECTION____. Article 60.12(a), Code of Criminal Procedure, is amended to read as follows:

(a) The Department of Public Safety shall, when a jurisdiction transmits fingerprints and arrest information by a remote terminal accessing the statewide automated fingerprint identification system, use that transmission either to create a permanent record in the criminal justice information system or to create a temporary arrest record in the criminal justice information system to be maintained by the department until the department receives and processes the physical copy of the arrest information.

SECTION ____. Chapter 60, Code of Criminal Procedure, is amended by adding Article 60.18 to read as follows:

Art. 60.18. INFORMATION ON SUBSEQUENT ARREST OF CERTAIN INDIVIDUALS. The Texas Department of Criminal Justice and the Department of Public Safety shall develop the capability to send to a community supervision and corrections department, district parole office, and county data processing department by electronic means information about the subsequent arrest of a person under the supervision of the office or department.

SECTION ____. Section 51.305, Government Code, is repealed.

SECTION ____. The Department of Public Safety shall develop the capability to receive or send the information by the means required by Articles 60.061, 60.07(c), and 60.18, Code of Criminal Procedure, as added by this Act, not later than January 1, 1995.

Amendment No. 14

Amend **S.B. 510** by inserting the following appropriately numbered sections to read as follows and by renumbering subsequent sections accordingly:

SECTION ____. Section 21(j)(3), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(3) The department is not authorized to provide class-type listings from the basic drivers' license record file to any person or business except as provided by Section 44B(d) of this Act[~~; provided, however, such information may be made available to an official of the federal government, the state, a city, town, county, special district, or other political subdivision for official governmental purposes only~~].

SECTION ____. Article VI, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Section 44B to read as follows:

Sec. 44B. RELEASE OF ADDRESS INFORMATION PROHIBITED. (a) Except as provided by Section 21(j) of this Act and by Subsections (d) and (e) of this section, the department may not release information from its driver's license record files that relates to the address of an individual if:

(1) the department's driver's license files contain an executed statement of that individual that restricts public access to that information; and

(2) the individual has, in writing:

(A) provided the department with a valid, existing, and accurate mailing address, other than a post office box number, in the city, if any, and the county in this state in which the individual resides and to which public access is not to be restricted;

(B) consented to receive service of process under the laws of this state at that alternate address; and

(C) paid to the department a fee of $5 for establishing or changing an alternate address at any time other than when the individual renews the individual's driver's license or personal identification card.

(b) The department shall provide written notice to each applicant for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected driver's license or identification card that the applicant is entitled to execute a statement that restricts public access to information relating to the address of the applicant.

(c)(1) An individual who has submitted an executed statement under this section shall notify the department of any change in the individual's alternate address.

(2) Notification under this subsection must be made in writing before the 10th day after the date on which the alternate address is changed.

(d) The department may make information from driver's license record files, including class-type listings, available to an official of the federal government, the state, a municipality, county, special district, or other political subdivision for official government purposes only.

(e) The department is not prohibited under this section from releasing information relating to the address of an individual who:

(1) gives the department an invalid, nonexistent, or inaccurate alternate mailing address; or

(2) fails to provide the department with the notification required by Subsection (c) of this section.

(f) An individual may at any time revoke the individual's executed statement under Subsection (a) of this section. Revocation of an executed statement must be made in writing in the manner prescribed by the department.

(g) The department, or an officer or employee of the department, is not liable to a person damaged or injured by release of information to which public access is restricted under this section.

Amendment No. 15

Amend **S.B. 510** in added Section 411.085, Government Code, by adding Subsection (d) to read as follows:

(d) The department shall provide each person who applies for access to criminal history record information maintained by the department with a copy of this section.

Amendment No. 16

Amend **S.B. 510** by adding a new appropriately numbered section to read as follows and by renumbering the remaining sections as appropriate:

SECTION ____. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0105 to read as follows:

Sec. 411.0105. MANAGEMENT OF SEIZED MONEY. The department shall, in conjunction with the state treasurer and the comptroller, develop rules for the efficient management outside the state treasury of money, before a judicial determination of forfeiture, in the custody of the department that was seized under Chapter 59, Code of Criminal Procedure.

Amendment No. 17

Amend **S.B. 510** by adding two appropriately numbered sections to read as follows and by renumbering the existing sections as appropriate:

SECTION ____. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0105 to read as follows:

Sec. 411.0105. DISPOSITION OF MONEY AND OTHER ITEMS RECEIVED FROM CONTRABAND. (a) The department shall deposit all money or other items received under Article 59.06, Code of Criminal Procedure, in the state treasury to the credit of a special account in the general revenue fund. The special account may be used only by the department for law enforcement purposes.

(b) The special account is exempt from Section 403.094(h), Government Code.

SECTION ____. Section 59.06, Code of Criminal Procedure, is amended by adding Subsection (i) to read as follows:

(i) As an exception to the application of Subsection (c)(4) of this article, money or other items received by the Department of Public Safety shall be deposited in the manner provided by Section 411.0105, Government Code.

Floor Amendment No. 18

Amend **S.B. 510** by adding the following sections to the bill, appropriately numbered, and renumbering existing sections of the bill accordingly:

SECTION_____. Part 1, Code of Criminal Procedure, is amended by adding Chapter 61 to read as follows:

CHAPTER 61. DNA DATA BASE

Art. 61.01. DEFINITIONS. In this chapter:

(1) "Department" means the Department of Public Safety.

(2) "Director" means the director of the department.

(3) "DNA" means deoxyribonucleic acid.

(4) "DNA data base" means the data base that contains forensic DNA records maintained by the director.

(5) "DNA laboratory" means a laboratory that performs forensic DNA analysis on specimens derived from a human body or crime scene.

(6) "DNA record" means the results of a forensic DNA analysis performed by a laboratory and, if known, the name of the person who is the subject of the analysis.

(7) "FBI" means the Federal Bureau of Investigation.

(8) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(9) "Institutional division" means the institutional division of the Texas Department of Criminal Justice.

(10) "Penal institution" has the meaning assigned by Section 1.07, Penal Code.

Art. 61.02. DNA DATA BASE. (a) The director shall record DNA data and establish and maintain a computerized data base that serves as the record creation point for DNA records.

(b) The director shall establish the DNA data base in the department's crime laboratory in Austin.

(c) The director may receive, analyze, store, and destroy records, blood samples, and other specimens for the purposes described by Article 61.03 of this code.

(d) The DNA data base must be capable of classifying, matching, and storing analyses of DNA and other biological molecules.

(e) The director, with advice from the Department of Information Resources, shall develop biennial plans to improve the reporting and accuracy of the DNA data base and to develop and maintain monitoring systems capable of identifying inaccurate or incomplete information.

(f) The DNA data base must be compatible with the national DNA identification index system (CODIS) used by the FBI to the extent necessary to permit the exchange and storage of DNA records.

(g) The DNA data base must contain DNA records for the following:

(1) persons described by Article 61.08 of this code;

(2) biological specimens collected at a crime scene;

(3) unidentified missing persons, skeletal remains, or body parts;

(4) close biological relatives of missing persons; or

(5) persons at risk of becoming lost, such as children or mentally incompetent persons, if a parent, conservator, or guardian of the person consents to the record.

Art. 61.03. PURPOSES. (a) The principal purpose of the DNA data base is to assist federal, state, or local criminal justice or law enforcement agencies in the investigation or prosecution of sex-related offenses, violent

offenses, or other offenses in which biological evidence is recovered from the crime scene.

(b) In criminal cases, the purposes of the DNA data base are only for use in the investigation of an offense, the probable exclusion or identification of suspects, and the prosecution of the case. Unless a rule adopted by the department provides otherwise, a second DNA specimen must be obtained for DNA analysis to support expert testimony in a criminal trial to prove the identity of a person.

(c) Other purposes of the data base include:

(1) assisting in the recovery or identification of human remains from a disaster;

(2) assisting in the identification of living or deceased missing persons; and

(3) establishing a population statistics data base that does not contain personal identifying information.

(d) The information contained in the DNA data base may not be collected, analyzed, or stored for the purpose of obtaining information about human physical traits or predisposition for disease.

(e) The director may store personal information in the data base only if the information is necessary to:

(1) generate investigative leads and exclusions and to support statistical interpretation of test results; and

(2) allow for the successful implementation of the DNA data base.

Art. 61.04. REGULATION OF DNA LABORATORIES; PENALTIES. (a) The director by rule shall establish procedures for a DNA laboratory or criminal justice or law enforcement agency in the collection, preservation, shipment, storage, analysis, and use of a blood sample or other specimen for forensic DNA analysis in a manner that permits the exchange of DNA evidence between DNA laboratories and the use of the evidence in a criminal case.

(b) A DNA laboratory or criminal justice or law enforcement agency shall follow the procedures:

(1) established by the director under this article; and

(2) specified by the FBI, including use of comparable test procedures, laboratory equipment, supplies, and computer software.

(c) The director may at any reasonable time enter or inspect the premises or audit the procedures of any DNA laboratory that provides DNA records or analyses to the department under this chapter.

(d) A DNA laboratory conducting a DNA analysis under this chapter shall forward the DNA record of the analysis to the director at the department's crime laboratory.

(e) A DNA laboratory shall comply with this chapter and rules adopted under this chapter.

(f) If a DNA laboratory violates this chapter or a rule adopted under this chapter, the director may prohibit the laboratory from exchanging DNA records with another DNA laboratory or criminal justice or law enforcement agency in the state. A DNA laboratory prohibited from exchanging DNA records under this subsection may petition the director

for a hearing to show cause why the laboratory's authority to exchange DNA records should be reinstated.

(g) The director is the liaison for DNA data, records, evidence, and other related matters between the FBI and the department's DNA laboratory or a criminal justice or law enforcement agency.

(h) The director may conduct DNA analysis or the director may contract with a laboratory, state agency, or institution of higher education for services to perform DNA analyses for the department.

Art. 61.05. FEES. The director may collect a reasonable fee under this chapter for:

(1) the DNA analysis of a blood sample submitted to the department voluntarily or as required by Article 61.08(f) of this code; or

(2) providing population statistics data or other appropriate research data.

Art. 61.06. BLOOD SAMPLES. (a) The director may not accept a blood sample submitted voluntarily or as required by Article 61.08 of this code unless the sample is collected in a medically approved manner by a physician, registered nurse, licensed vocational nurse, licensed clinical laboratory technologist, or other person trained to properly collect blood samples and supervised by a licensed physician.

(b) A person collecting a blood sample under this article may not be held liable in any civil or criminal action if the person collects the sample in a reasonable manner according to generally accepted medical practices.

(c) The director shall provide at no cost to a person described by Subsection (a) of this article the specimen vials, mailing tubes and labels, reports, and instructions for collection of blood samples under this article.

(d) A person who collects a blood sample under this article shall send the sample:

(1) to the director at the department's crime laboratory; or

(2) to another location as required by the director by rule.

(e) A DNA laboratory may analyze a blood sample collected under this article or other DNA specimen only:

(1) to type the genetic markers contained in the sample or specimen;

(2) for criminal justice and law enforcement purposes; or

(3) for other purposes described by this chapter.

Art. 61.07. ACCESS TO DNA DATA BASE INFORMATION. (a) The director by rule shall establish procedures:

(1) to prevent unauthorized access to the DNA data base; and

(2) relating to the release of DNA records, specimens, or analyses from the DNA data base.

(b) The director or a DNA laboratory may disclose a DNA record or allow access to a DNA specimen or analysis only on written request and only as provided by this article.

(c) The director may release all or part of a DNA record to:

(1) a criminal justice or law enforcement agency for law enforcement purposes;

(2) a defendant or defense counsel for criminal defense purposes as required by a court order; or

(3) any person as authorized by a court, statute, or other law.

(d) The director may release all or part of a DNA record, except personal identifying information contained in the record, to any entity for:

(1) the development of statistical population frequency data bases;

(2) identification research;

(3) protocol development for forensic DNA analysis and quality control; and

(4) the confirmation of a preliminary DNA match before a written request for a DNA record is made under this article.

(e) The director may release a record of the number of requests made for a defendant's DNA record and the name of the requesting person, agency, or entity.

(f) The director may release a DNA record of a person who consents in writing to the release of the record to another person, agency, or entity.

(g) A law enforcement agency may have access to DNA specimens through the agency's laboratory for law enforcement purposes.

(h) The director shall maintain at the location of the DNA data base a record of requests made under this article.

Art. 61.08. DNA RECORDS OF CERTAIN INMATES AND PROBATIONERS. (a) An inmate of the institutional division or other penal institution shall provide a blood sample taken by or at the request of the institutional division for the purpose of creating a DNA record if the inmate is serving a sentence for:

(1) a felony offense under one or more of the following Penal Code provisions:

(A) Section 19.02 (murder);

(B) Section 19.03 (capital murder);

(C) Section 20.04 (aggravated kidnapping);

(D) Section 21.11 (indecency with a child);

(E) Section 22.011 (sexual assault);

(F) Section 22.02 (aggravated assault);

(G) Section 22.021 (aggravated sexual assault);

(H) Section 25.02 (incest); or

(I) Chapter 43 (public indecency);

(2) an attempt or conspiracy to commit or a solicitation of an offense listed in Subdivision (1) of this subsection;

(3) an offense under Section 71.02, Penal Code, if the underlying offense is an offense listed in Subdivision (1) of this subsection;

(4) a felony offense for which the court enters an affirmative finding in the judgment as provided by Subsection (e) of this article; or

(5) a reportable conviction or adjudication under Article 6252-13c.1, Revised Statutes.

(b) The institutional division shall obtain the blood sample from an inmate of the division during the diagnostic process. The institutional division shall obtain the blood sample from an inmate confined in another penal institution as soon as practicable if the Board of Pardons and Paroles informs the division that the inmate is likely to be paroled before being admitted to the division. The administrator of the other penal institution

shall cooperate with the institutional division as necessary to allow the institutional division to perform its duties under this article.

(c) The institutional division shall:

(1) maintain a record of the collection of the blood sample; and

(2) preserve each blood sample collected until the division sends the blood sample to the director or to another place required by rule of the director for scientific analysis to determine DNA identification characteristics specific to the person from whom the sample was collected.

(d) An inmate may not be held past a statutory release date if the inmate fails or refuses to provide a blood sample under this article. A penal institution may take other lawful administrative action against the inmate.

(e) If there is an affirmative finding in a trial of a felony offense that the offense involved a specific intent to arouse or gratify the sexual desire of any person, the court shall enter that finding in the judgment. A court entering an affirmative finding in a judgment under this subsection shall provide an opportunity for a hearing to the person who is subject to the judgment. An issue under this subsection may not be submitted to a jury as a question of fact.

(f) If a court grants probation or deferred adjudication under Article 42.12 of this code to a person convicted of or charged with an offense listed in Subsection (a) of this article, the court may require the person as a condition of probation or deferred adjudication to provide to the department a sample of the person's blood for the purpose of creating a DNA record of the person. The court may require the person to pay a fee established under Article 61.05 of this code for the submission of the blood sample to the department.

Art. 61.09. EXPUNCTION OF DNA RECORDS. (a) The director shall expunge a DNA record of a person from the DNA data base if the person:

(1) notifies the director in writing that the DNA record has been ordered to be expunged under this article or Chapter 55 of this code; and

(2) provides the director with a certified copy of the court order that expunges the DNA record.

(b) A person may petition for the expunction of a DNA record under the procedures established under Article 55.02 of this code if:

(1) the person is entitled to the expunction of the record under Article 55.01 of this code;

(2) the person has obtained a pardon granted for subsequent proof of innocence for the offense to which the DNA record is related; or

(3) the conviction for the offense to which the DNA record is related has been reversed and prosecution is barred.

Art. 61.10. RULES. The director may adopt rules necessary to administer or enforce this chapter.

Art. 61.11. CONFIDENTIALITY OF DNA RECORDS. A DNA record stored in the DNA data base is confidential and is not subject to disclosure under the open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

Art. 61.12. ENFORCEMENT BY COURT ORDER. (a) On the request of the director, a district or county attorney or the attorney general may petition a district court for an order requiring a person, agency, or entity to comply with this chapter or a rule adopted under this chapter.

(b) The court may issue an order requiring a person:

(1) to act in compliance with this chapter or a rule adopted under this chapter;

(2) to refrain from acting in violation of this chapter or a rule adopted under this chapter;

(3) to give a blood sample; or

(4) if the person has already given a blood sample, to give another sample if good cause is shown.

(c) An order issued under this article is appealable as a criminal matter and if appealed is to be reviewed under an abuse of discretion standard.

SECTION ____. Chapter 411, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. FORENSIC SCIENCE REVIEW COMMITTEE

Sec. 411.051. DEFINITION. In this subchapter, "committee" means the Forensic Science Review Committee.

Sec. 411.052. FORENSIC SCIENCE REVIEW COMMITTEE. The Forensic Science Review Committee is created in the department.

Sec. 411.053. COMPOSITION OF COMMITTEE. The committee is composed of the following members appointed by the governor with the advice and consent of the senate:

(1) two representatives of the Texas Department of Criminal Justice;

(2) two representatives of the department;

(3) a representative of the Texas Department of Health; and

(4) a representative of the Texas District and County Attorneys Association.

Sec. 411.054. PRESIDING OFFICER. The governor shall designate from among the committee members a presiding officer who serves in that capacity at the pleasure of the governor.

Sec. 411.055. COMPENSATION AND EXPENSES. A member of the committee may not receive compensation for service performed for the committee but is entitled to receive reimbursement for actual or necessary expenses incurred in performing service for the committee.

Sec. 411.056. TERM. Members of the committee serve for staggered six-year terms with the terms of two members expiring on February 1 of each odd-numbered year.

Sec. 411.057. MEETINGS. The committee shall meet at least quarterly.

Sec. 411.058. SUPPORT STAFF. The department shall provide clerical and advisory support staff to the committee.

Sec. 411.059. GENERAL POWERS AND DUTIES OF COMMITTEE. (a) The committee shall develop, with the assistance of the commission, minimum standards and a program of accreditation for forensic laboratories in this state designed to:

(1) increase the effectiveness and efficiency of forensic laboratories in delivering services to the criminal justice system;

(2) ensure that forensic analyses are performed in accordance with scientifically accepted standards; and

(3) promote increased cooperation and coordination among forensic laboratories and other agencies in the criminal justice system.

(b) The committee shall adopt rules necessary for the administration of this subchapter.

SECTION ____. The governor shall appoint the initial members of the Forensic Science Review Committee created by Section _____ of this Act so that two members' terms expire February 1, 1995, two members' terms expire February 1, 1997, and two members' terms expire February 1, 1999.

SECTION_____. (a) The director of the Department of Public Safety shall adopt the rules required by Chapter 61, Code of Criminal Procedure, as added by Section _____ of this Act, not later than December 1, 1993.

(b) The requirement that the institutional division of the Texas Department of Criminal Justice collect a blood sample during the diagnostic process from an inmate described by Subsection (a) of Article 61.08, Code of Criminal Procedure, as added by Section _____ of this Act, applies only to an inmate who has not completed the diagnostic process before January 1, 1994. The division shall collect a blood sample from an inmate confined in the division who has completed the diagnostic process before January 1, 1994, not later than the 90th day before the inmate's earliest parole eligibility date, unless the inmate's earliest parole eligibility date is before April 1, 1994, in which event the division shall collect the sample as soon as possible after January 1, 1994.

Amendment No. 19

Amend **S.B. 510** by striking added Section 411.114, Government Code, and substituting the following:

Sec. 411.114. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES. (a)(1) In this subsection the terms "child," "child-care facility," and "family home" have the meanings assigned by Section 42.002, Human Resources Code.

(2) The Department of Protective and Regulatory Services is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(A) an applicant for a license, registration, or certification under Chapter 42, Human Resources Code;

(B) an owner or employee of or an applicant for employment by a child-care facility licensed, registered, or certified under that chapter;

(C) a resident of a registered family home, but not a child in the home's care or a parent of the child;

(D) an applicant for a position with the Department of Protective and Regulatory Services, the duties of which include direct delivery of protective services to children, elderly persons, or persons with a disability;

(E) a volunteer or applicant volunteer with a local affiliate in this state of Big Brothers/Big Sisters of America;

(F) a volunteer or applicant volunteer with the "I Have a Dream/Houston" program;

(G) an employee of a business entity that provides in-home respite care of children with temporary illnesses;

(H) an employee of a home health agency;

(I) a volunteer or applicant volunteer with an organization that provides court-appointed special advocates for abused or neglected children;

(J) a person providing or applying to provide adoptive or foster care for children in the care of the Department of Protective and Regulatory Services and other adults living with that person in the residence in which the child will reside;

(K) a Department of Protective and Regulatory Services employee who is engaged in the direct delivery of protective services to children, elderly persons, or persons with a disability on the date the department implements this section;

(L) a person who is the subject of a report the department receives alleging that the person has abused or neglected a child, elderly persons, or persons with a disability, provided that report has proven to have merit after investigation; or

(M) a relative providing or applying to provide in-home care for a child in the care of the Department of Protective and Regulatory Services and other adults living with that relative in the residence in which the child will reside.

(3) The Department of Protective and Regulatory Services is entitled, under this subsection, only to criminal history record information that relates to:

(A) an offense classified as an offense against the person or the family;

(B) an offense classified as public indecency; or

(C) a felony violation of a statute intended to control the possession or distribution of a substance included in Chapter 481, Health and Safety Code.

(4) Criminal history record information obtained by the Department of Protective and Regulatory Services under this subsection may not be released to any person except on court order, with the consent of the person who is the subject of the criminal history record information, or as provided by Subdivision (5).

(5) The Department of Protective and Regulatory Services is not prohibited from releasing criminal history record information obtained under this subsection to the person who is the subject of the criminal history record information or to a child-care facility that employs or is considering employing the person who is the subject of the criminal history record information.

(b)(1) In this subsection, "facility" has the meaning assigned by Section 106.001, Human Resources Code.

(2) The Department of Protective and Regulatory Services, on behalf of the Texas Department of Health, is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(A) an applicant for employment at a facility; or

(B) an employee of a facility.

(3) The Department of Protective and Regulatory Services is entitled to obtain, under this subsection, only criminal history record information that relates to:

(A) an offense classified as an offense against the person or the family;

(B) an offense classified as public indecency;

(C) a felony violation of a statute intended to control the possession or distribution of a substance included in Chapter 481, Health and Safety Code, or Section 485.033, Health and Safety Code;

(D) a felony offense under Section 31.03, Penal Code; or

(E) an offense under Section 29.02, 29.03, or 30.02, Penal Code.

(4) Criminal history record information obtained by the Department of Protective and Regulatory Services under this subsection may not be released to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subdivision (5).

(5) The Department of Protective and Regulatory Services is not prohibited from disclosing criminal history record information obtained under this subsection to the Texas Department of Health or to the facility for which the Department of Protective and Regulatory Services requested the information.

The amendments were read.

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

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on **S.B. 510** before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Moncrief, Chair; Carriker, West, Shapiro, and Armbrister.

NOTICE OF SESSION TO HOLD LOCAL AND UNCONTESTED BILLS CALENDAR

Senator Haley announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks. On motion of Senator Haley and by unanimous consent, Senate Rule 9.03(b) was suspended to give notice that a Local and Uncontested Bills Calendar would be held at 12:00 noon today and that all bills would be considered on second reading in the order in which they are listed.

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Sims and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources might consider **S.B. 1477** today.

RECESS

On motion of Senator Harris of Dallas, the Senate at 11:48 a.m. recessed until 12:00 noon today for the Local and Uncontested Bills Calendar.

AFTER RECESS

The Senate met at 12:00 noon and was called to order by Senator Haley.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed (vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill):

C.S.S.B. 417 (Harris of Tarrant) Relating to creditor-required or arranged insurance on certain loans and credit transactions. (30-0) (30-0)

C.S.S.B. 617 (Armbrister on behalf of Haley) Relating to transfer of the functions of the Legislative Education Board to the Legislative Budget Board. (30-0) (30-0)

S.B. 628 (Harris of Tarrant) Relating to a late charge imposed by a creditor for the failure of a debtor to make a scheduled payment when due; providing penalties. (30-0) (30-0)

Senator Harris of Tarrant offered the following committee amendment to the bill:

Amend **S.B. 628** as follows:

Amend SECTION 1 of the bill as follows:

On page 1 delete line 12 and substitute the following:

late charge or any charge for delinquent payment imposed in connection with the sale or lease of services or goods which are sold or leased at rates or charges which are, in whole or in part, fixed, limited, approved, or subject to oversight, by a local, state or federal governmental entity if the charge for delinquent payment is disclosed in writing on or with the billing statements for the services or goods.

On page 1, line 21, add the following after "indebtedness":

;or

(3) late charge or any charge for delinquent payment imposed in connection with the sale or lease of services or goods which are sold or leased at rates or charges which are, in whole or in part, fixed, limited, approved, or subject to oversight, by a local, state or federal governmental entity if the charge for delinquent payment is disclosed in writing on or with the billing statements for the services or goods.

(k) "Creditor" means a person that loans money or otherwise extends credit, provided, however, that the term shall not include a judgment creditor.

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

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

S.B. 1008 (Sims) Relating to the dealings of distributors, wholesalers, or certain other persons with a nonprofit holder of a wine and beer retailer's permit. (30-0) (30-0)

S.B. 1072 (Parker) Relating to the conveyance by the General Land Office of the state's interest in certain real property previously conveyed by the state to the city of Port Arthur. (30-0) (30-0)

C.S.S.B. 1128 (Zaffirini) Relating to the minimum population requirements for allowing peace officers to enforce state and federal hazardous materials regulations and state and federal motor carriers safety regulations. (30-0) (30-0)

S.B. 1372 (Parker) Relating to purchases and contracts of the Jefferson County Drainage District No. 7 and the authority of the manager of the district to hire and terminate employees of the district. (30-0) (30-0)

S.B. 1384 (Brown) Relating to the powers of the Gulf Coast Waste Disposal Authority. (30-0) (30-0)

S.B. 1398 (Harris of Tarrant) Relating to the creation of the Tarrant County Criminal Court of Appeals. (30-0) (30-0)

S.B. 1399 (Harris of Tarrant) Relating to the making of a record in a child support or access enforcement proceeding. (30-0) (30-0)

Senator Harris of Tarrant offered the following committee amendment to the bill:

Amend **S.B. 1399** on page 1, following line 18, by inserting a new Section 3 as follows and sequentially renumbering subsequent sections:

SECTION 3. Amend Section 11.191, Family Code, to read as follows:

"Sec. 11.191. Payment for Statement of Facts. If the party requesting a statement of facts in an appeal of a suit affecting the parent-child relationship has filed an affidavit stating the party's inability to pay costs as provided by Rule 40, Texas Rules of Appellate Procedure, and the affidavit is approved by the trial court, the trial court shall order the county in which the trial was held to pay the costs of preparing the statement of facts. [~~This section shall apply to any county with a~~

~~population in excess of two million according to the most recent federal census.~~]"

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

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

S.B. 1403 (Armbrister on behalf of Haley) Relating to the creation, administration, powers, duties, functions, operations, and financing of the Brookeland Municipal Utility District; providing for the authorization of bonds and the levy of property taxes. (30-0) (30-0)

S.B. 1416 (Harris of Tarrant) Relating to the rights and privileges of a conservator of a child and to the terms and conditions of orders providing for the possession of a child, including guidelines. (30-0) (30-0)

H.B. 81 (Shapiro) Relating to the title to certain property exempt from the statewide personal property accounting system or in the possession of certain entities providing emergency medical services. (30-0) (30-0)

H.B. 119 (Harris of Tarrant) Relating to counseling as a condition of probation for a person who commits family violence. (30-0) (30-0)

C.S.H.B. 294 (Turner) Relating to the liability of certain governmental employees for acts or ommissions in connection with inmate work programs and community service projects. (30-0) (30-0)

H.B. 383 (Parker) Relating to the authority of the Jefferson County Drainage District No. 6 to lease its property. (30-0) (30-0)

H.B. 478 (Sims) Relating to the speed limit in an alley. (30-0) (30-0)

C.S.H.B. 608 (Sims) Relating to the ownership, recovery, theft, and taxation of exotic livestock and exotic fowl and to control of disease in exotic fowl; providing criminal penalties. (30-0) (30-0)

H.B. 793 (Harris of Tarrant) Relating to persons who may bring an original suit affecting the parent-child relationship. (30-0) (30-0)

H.B. 965 (Zaffirini) Relating to magistrates appointed by the judges of the district courts in Webb County. (30-0) (30-0)

Senator Zaffirini offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **H.B. 965** as follows:

On page 2, strike lines 4-8 and replace with

"(1) a negotiated plea of guilty and sentencing before the court that has given initial, but not final, approval by the referring judge;

(2) a pretrial motion;

(3) an examining trial;

(4) a postconviction writ of habeas corpus;

(5) a bond forfeiture suit;

(6) issuance of search warrants;
(7) setting of bonds; and,
(8) arraignment of defendants."

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

Senator Zaffirini offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **H.B. 965** as follows:
On page 1, line 14 strike "be a" and insert a ":" after "must."
On page 1, strike line 15 and replace with "(1) be a resident of this state and Webb County; and (2) have been licensed to practice law in this state."

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

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

H.B. 1074 (Truan) Relating to the authority of navigation districts and port authorities to establish financial criteria for surety companies that provide performance or payment bonds. (30-0) (30-0)

H.B. 1232 (Ellis) Relating to the use of hotel occupancy tax revenue collected by certain municipalities for the arts. (30-0) (30-0)

H.B. 1239 (Harris of Dallas) Relating to the organization and operation of certain business organizations that provide for limited liability; providing penalties. (30-0) (30-0)

H.B. 1589 (Armbrister on behalf of Haley) Relating to the amendment of the Texas Library System to include all publicly funded libraries. (30-0) (30-0)

H.B. 1828 (Armbrister) Relating to personal property exempt from seizure. (30-0) (30-0)

H.B. 2133 (Armbrister) Relating to the investment of funds of the Lavaca Hospital District. (30-0) (30-0)

H.B. 2515 (Ratliff) Relating to the conveyance of a one (1) acre tract of land in Panola County, Texas, formerly used as a lookout tower site by the Texas Forest Service. (30-0) (30-0)

CONCLUSION OF SESSION FOR LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

CONFERENCE COMMITTEE REPORT ON SENATE BILL 830

Senator Luna submitted the following Conference Committee Report:

Austin, Texas
May 7, 1993

Honorable Bob Bullock
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 **S.B. 830** 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.

LUNA	MARCHANT
CARRIKER	GOODMAN
HENDERSON	COMBS
BROWN	DANBURG
	BRADY
On the part of the Senate	On the part of the House

A BILL TO BE ENTITLED
AN ACT

relating to runoff election dates for certain political subdivisions.

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

SECTION 1. (a) Each political subdivision of this state holding its general election for officers on May 1, 1993, may hold any resulting runoff election on the date ordered by the governor for the runoff in the special election to fill a vacancy in the United States Senate.

(b) If under this section a runoff election is held on a date other than a date prescribed by other law, the schedule for performing any official act relating to the election shall be adjusted to allow the same interval in relation to the date of the election as would be provided by application of the other law.

(c) The period for early voting by personal appearance in the political subdivision's runoff election begins on the date that early voting by personal appearance begins for the runoff in the special election to fill a vacancy in the United States Senate.

(d) This section supersedes other law to the extent of any conflict.

SECTION 2. If a runoff is not required in the special election to fill a vacancy in the United States Senate, this Act has no effect.

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

The Conference Committee Report was filed with the Secretary of the Senate.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 880 - By Sibley: Recognizing the class of 1943 of Waco High School on the occasion of their 50th anniversary reunion.

S.R. 882 - By Patterson: Welcoming Michelle Hatmaker of Galveston, Mrs. Texas 1993, on her visit to Austin.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 12:12 p.m. adjourned, in memory of Mario "Cantinflas" Moreno Reyes and Stephen LeBlanc, until 11:00 a.m. Monday, May 10, 1993.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 7, 1993

HEALTH AND HUMAN SERVICES — **S.B. 1421** (Amended), **C.S.S.B. 773, C.S.S.B. 1439, H.B. 2264, S.C.R. 88, S.B. 1470**

CRIMINAL JUSTICE — **C.S.S.B. 601**

HEALTH AND HUMAN SERVICES — **C.S.S.B. 565**

NATURAL RESOURCES — **S.B. 1415, S.B. 1429, S.B. 1270, S.B. 1436, S.B. 1393, C.S.S.B. 1220, H.B. 2182, H.B. 1638, H.B. 2176, H.B. 2612, H.B. 2209, H.B. 690, H.B. 1854, H.B. 2220, H.B. 395, H.B. 2494, H.B. 1550, H.B. 1210, H.B. 1853**

JURISPRUDENCE — **H.B. 850** (Amended)

NATURAL RESOURCES — **C.S.S.B. 1127, C.S.H.B. 1933, C.S.S.B. 1477**

CRIMINAL JUSTICE — **C.S.H.B. 1368**

NATURAL RESOURCES — **C.S.S.B. 880, C.S.S.B. 172, C.S.H.B. 1269, C.S.H.B. 865, C.S.S.B. 920, C.S.S.B. 1143, C.S.S.B. 963**

STATE AFFAIRS — **C.S.S.B. 1219, C.S.S.B. 941, C.S.S.B. 1298, C.S.H.B. 2626**

In Memory

of

Mario "Cantinflas" Moreno Reyes

Senator Luna offered the following resolution:

(Senate Resolution 847)

WHEREAS, Mario "Cantinflas" Moreno Reyes, known to audiences throughout the world, passed away on April 20, 1993, at the age of 81, and the loss of this marvelously talented entertainer has profoundly saddened the millions of people he had delighted with his incomparable comedic genius; and

WHEREAS, Born on August 12, 1911, in Mexico City, he was blessed with the great gift of making people laugh, and by virtue of this gift he rose from the obscurity and poverty of his humble beginnings to become a national treasure cherished by all of his fellow citizens and by Spanish-speaking people all over the world; and

WHEREAS, Mexico's most famous comic actor, Cantinflas achieved worldwide renown in the form of his memorable creation, Cantinflas, and it was in this adopted persona that he will be forever remembered; and

WHEREAS, In the great tradition of comic figures, the Cantinflas he portrayed was an endearing character, personifying a beleaguered and sometimes bumbling everyman who somehow managed to maintain his fundamental human dignity even as he was beset by outrageous fortune and calamity; and

WHEREAS, So popular was this character that Cantinflas parlayed his creation into a highly successful screen career; playing essentially the same character who displayed the soul of Mexico in 56 films from 1936 until his retirement; and

WHEREAS, His genius indeed was universally loved and admired, and none other than the great Charlie Chaplin once called him "the world's greatest comic"; and

WHEREAS, Like the good-hearted character he portrayed on screen, Cantinflas was in real life a generous and compassionate individual; having attained fame and fortune, he used his celebrity status as well as his time and energy to help those less fortunate, and he devoted much of his life to charitable causes, especially those that focused on the needs of the world's children; and

WHEREAS, During a long and storied career, Cantinflas brought untold joy and laughter to the world, and though his death has saddened us temporarily, the smiles that inevitably return when we remember him at the height of his illustrious career and those happy memories he leaves us ultimately will be his greatest and most enduring legacy; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby pay tribute to the life of Mario "Cantinflas"

Moreno Reyes and join the millions of people around the world who mourn the loss of one of the world's most beloved treasures.

LUNA	LUCIO
BARRIENTOS	TRUAN
MADLA	ZAFFIRINI

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

The resolution was previously read and adopted on Wednesday, May 5, 1993.

Senator Luna was recognized and introduced to the Senate Ms. Elizabeth Danon of the Consulate of Mexico for Cultural and Commercial Affairs. Ms. Danon was here on behalf of the Hispanic Caucus to accept an enrolled copy of **S.R. 847.**

The Senate welcomed Ms. Danon.

In Memory

of

Stephen LeBlanc

Senator Patterson offered the following resolution:

(Senate Resolution 881)

WHEREAS, The Senate of the State of Texas joins with the citizens of League City in mourning the untimely death of outstanding civic leader Stephen LeBlanc who died May 3, 1993; and

WHEREAS, Born on April 4, 1943, he married Starlite Jean LeBlanc in 1964; and

WHEREAS, This prominent citizen graduated from the University of Houston at Clear Lake with a master's degree in business administration; and

WHEREAS, Courageous and patriotic, Mr. LeBlanc served in the United States Air Force from 1964 through 1968; he earned an honorable discharge and continued to serve in the United States Air Force Reserve until 1981; and

WHEREAS, A distinguished gentleman who made countless contributions to his city, county, and state, Mr. LeBlanc spent much of his time working for the good of his city and its citizens; and

WHEREAS, His endeavors on behalf of his fellow citizens were legion; since 1989, he had been employed by League City and was the Administrative Coordinator for the public works department; and

WHEREAS, Extremely able in the performance of his duties, Mr. LeBlanc had been selected Water Utilities Administration Employee of the Year for the second quarter of 1991; and

WHEREAS, Highly esteemed by his fellow citizens, Mr. LeBlanc was unquestionably a man of high principles and integrity, and his passing is mourned by all who knew him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend sincere condolences to the members of his family: his wife, Starlite Jean; his children, Michael L. LeBlanc, Charlotte LeBlanc Harris, and Michelle LeBlanc Marrs; and his grandson, Tyler John Harris; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it does so in memory of Stephen Michael LeBlanc.

The resolution was read.

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

On motion of Senator Patterson and by unanimous consent, the resolution was adopted by a rising vote of the Senate.