

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

FORTY-EIGHTH DAY — WEDNESDAY, APRIL 9, 2003

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

The roll of the house was called and a quorum was announced present (Record 181).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Nixon; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Oliveira.

Absent — Moreno, P.; Noriega.

The invocation was offered by Dr. Steve Washburn, pastor, First Baptist Church, Pflugerville, as follows:

"Praise be to you, O Lord, God of our father Israel, from everlasting to everlasting. Yours, O Lord, is the greatness, and the power, and the glory, and the majesty, and the splendor, for everything in heaven and earth is yours. Yours, O Lord, is the kingdom; you are exalted as head over all. Wealth and honor come from you; you are the ruler of all things. In your hands are strength and power to exalt and give strength to all. Now, our God, we give you thanks, and praise your glorious name." (1 Chronicles 29:10-13)

Father, I thank you for the opportunity you have given me to stand before this honorable assembly of men and women today. Certainly, Father, since the President of the United States, the man who holds the most powerful office in the

world, is from Texas, we know that the eyes of the world are on us in a special way during these perilous times. In many ways, Father, as Texas goes, so goes our nation. And as our nation goes, so goes the world. So these men and women who are assembled here today carry a heavy responsibility, indeed. They are the lawmakers of the great State of Texas, and we are enormously proud of them, Father.

As I stand before you this morning, Father, I cannot presume to know the hearts and minds of these good people. So I do not come leading them in prayer. Rather, I come before you interceding on their behalf. Praying for them.

You have called them to this great service. You have ordained them as our leaders and lawmakers. So now Father, as they begin their divinely appointed role of service in this new day, I lift them up to you and ask you to bless them indeed—each and every one of them.

Bless them in their work. Give them clarity of thought and focus. May all of their thoughts and actions be guided by the good of the people of Texas who trust them and rely on them. Keep their motives pure and their hearts clean.

Give them strength and wisdom to do the work you have put before them today. The tasks you have assigned to them are vast and require more than they are capable of giving. Be their strength and their supply in all they do in this day.

Father, bless their health today. Keep them healthy. They work under terrible pressure. Help them to rest in you and find relief from their burden as they labor selflessly on behalf of the people of Texas. Please, Father, guard their health today.

No doubt, the demands of this high calling puts a great strain on their marriages. Father, bless their marriages. Strengthen their marriages. Do not allow their marriages to suffer because of their service to the people of Texas.

And Father, bless their children. Protect them and keep them safe. Give their children a good day today. Whether their children are toddlers, teenagers, or adults, bless them today, Father.

And Father, as the end of the day approaches, no matter how early or late that might be, send them home to their families with a great sense of accomplishment, knowing they have given themselves, in this day, to a high and noble calling. And as they lay their heads down to sleep, give them contentment, fulfillment, and peace.

On behalf of the people of the State of Texas, I ask that you love them and care for them in this day, Father. And I ask it in Jesus' name. Amen.

### **LEAVE OF ABSENCE GRANTED**

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

Oliveira on motion of Wolens.

(Noriega now present)

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Christian who presented Dr. Ron McMurry of Jasper as the "Doctor for the Day."

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

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

#### **HR 545 - ADOPTED (by Lewis)**

Representative Lewis moved to suspend all necessary rules to take up and consider at this time **HR 545**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 545**, Recognizing April 9, 2003, as County Government Day at the State Capitol.

**HR 545** was adopted without objection.

#### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Lewis who introduced members of the Texas Association of Counties.

#### **HR 730 - ADOPTED (by Quintanilla)**

Representative Quintanilla moved to suspend all necessary rules to take up and consider at this time **HR 730**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 730**, Honoring the life of U.S. Army Private First Class Ruben Estrella-Soto, Jr.

**HR 730** was unanimously adopted by a rising vote.

#### **HR 716 - ADOPTED (by Laney)**

Representative Laney moved to suspend all necessary rules to take up and consider at this time **HR 716**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 716**, Recognizing April 9, 2003, as Big Spring Area Day at the State Capitol.

**HR 716** was adopted without objection.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Laney who introduced a delegation from Big Spring.

**HR 735 - ADOPTED  
(by Marchant)**

Representative Marchant moved to suspend all necessary rules to take up and consider at this time **HR 735**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 735**, Honoring Farmers Branch Youth Leadership Class of 2003 and welcoming them to the State Capitol on April 9, 2003.

**HR 735** was adopted without objection.

**HR 714 - ADOPTED  
(by Bonnen)**

Representative Bonnen moved to suspend all necessary rules to take up and consider at this time **HR 714**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 714**, In memory of native Texan Justin Todd Wollam of Anchorage, Alaska.

**HR 714** was unanimously adopted by a rising vote.

On motion of Representative Hill, the names of all the members of the house were added to **HR 714** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Bonnen who introduced the family of Justin Todd Wollam.

**HR 678 - ADOPTED  
(by Mercer)**

Representative Mercer moved to suspend all necessary rules to take up and consider at this time **HR 678**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 678**, Honoring Juan Alvarado of San Antonio on his retirement from the Southwest ISD Board of Trustees after 24 years of service.

**HR 678** was adopted without objection.

**HR 700 - ADOPTED**  
**(by Phillips)**

Representative Phillips moved to suspend all necessary rules to take up and consider at this time **HR 700**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 700**, Recognizing April 9, 2003, as Fannin County Day at the State Capitol.

**HR 700** was adopted without objection.

(Hill in the chair)

**HCR 40 - ADOPTED**  
**(by Talton, et al.)**

Representative Talton moved to suspend all necessary rules to take up and consider at this time **HCR 40**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 40**, In memory of Deotis Gay, Sr., of La Porte.

**HCR 40** was unanimously adopted by a rising vote.

**HCR 195 - ADOPTED**  
**(by Gallego)**

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HCR 195**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HCR 195**, Recognizing April 9, 2003, as Uvalde County Day at the State Capitol.

**HCR 195** was adopted without objection.

On motion of Representative Hilderbran, the names of all the members of the house were added to **HCR 195** as signers thereof.

**HR 727 - ADOPTED**  
**(by Gattis)**

Representative Gattis moved to suspend all necessary rules to take up and consider at this time **HR 727**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 727**, Commemorating the fourth annual Texas Red Poppy Festival in Georgetown on April 26-27, 2003.

**HR 727** was adopted without objection.

**HR 528 - ADOPTED  
(by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 528**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 528**, Recognizing April 9, 2003, as Marshall Day at the State Capitol.

**HR 528** was adopted without objection.

(P. Moreno now present)

**INTRODUCTION OF GUESTS**

The chair recognized Representative Hughes who introduced a delegation from Marshall.

**HR 729 - ADOPTED  
(by Woolley)**

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 729**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 729**, Welcoming the Magic Circle Republican Women's Club of Houston to the State Capitol.

**HR 729** was adopted without objection.

(Edwards in the chair)

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 24).

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

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. Pursuant to Rule 1, Section 4 of the House Rules, the chair at this time corrected the referral of measures to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Speaker in the chair)

### **LEAVE OF ABSENCE GRANTED**

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

Denny on motion of Reyna.

### **HR 732 - ADOPTED (by Capelo)**

Representative Capelo moved to suspend all necessary rules to take up and consider at this time **HR 732**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 732**, Recognizing the week of April 7, 2003, as Public Health Week in Texas.

**HR 732** was adopted without objection.

### **INTRODUCTION OF GUESTS**

The speaker recognized Representative Capelo who introduced Dr. Eduardo Sanchez, commissioner of the Texas Department of Health and Dr. James Martin, president of the Texas Academy of Family Physicians.

(Merritt in the chair)

### **HR 738 - ADOPTED (by Hodge)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 738**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 738**, Congratulating the winners of the 2003 University of Texas Co-Op Public Interest Awards.

**HR 738** was adopted without objection.

On motion of Representative Hodge, the names of all the members of the house were added to **HR 738** as signers thereof.

### **INTRODUCTION OF GUESTS**

The chair recognized Representative Naishtat who introduced students from The University of Texas School of Law.

### **FIVE DAY POSTING RULE SUSPENDED**

Representative Morrison moved to suspend the five day posting rule to allow the Committee on Higher Education to consider **HB 36**, **HB 1621**, **HB 1912**, **HB 1961**, **HB 2379**, **HB 2393**, **HB 2447**, **HB 2457**, **HB 2522**, **HB 2555**, **HB 2574**, **HB 2752**, **HB 2759**, **HB 2915**, **HB 3425**, **HB 3526**, **HB 3350**, **HB 3351**, and **HJR 82**.

The motion prevailed without objection.

### **CSHB 1 - COMMITTEE ON CALENDARS RULE ADOPTED**

Pursuant to House Rule 3, Section 4(2), and House Rule 6, Section 16(f), Representative Woolley moved to adopt the following rule governing floor consideration for **CSHB 1**:

Section 1. All original amendments that will be offered during second reading consideration of the bill must be filed with the chief clerk not later than 12 p.m., noon, Saturday, April 12, 2003.

Section 2. (a) During second and third reading consideration of the bill, an amendment that adds or increases an item of appropriation is not in order unless the amendment contains an equal or greater reduction in one or more other items of appropriations from the funds or funds against which the appropriation is to be certified.

(b) This section does not apply to an amendment that makes an adjustment in an item of appropriation solely to correct a technical clerical error.

The motion prevailed without objection.

### **CONSTITUTIONAL AMENDMENTS CALENDAR HOUSE JOINT RESOLUTIONS SECOND READING**

The following resolutions were laid before the house and read second time:

#### **HJR 23 ON SECOND READING (by Hochberg and Solomons)**

**HJR 23**, A joint resolution proposing a constitutional amendment permitting refinancing of a home equity loan with a reverse mortgage.

A record vote was requested.

**HJR 23** was adopted by (Record 182): 145 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons;



Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

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

Absent, Excused — Denny; Oliveira.

(Speaker in the chair)

### **HB 1156 - COMMITTEE ON CALENDARS RULE ADOPTED**

Pursuant to House Rule 3, Section 4(2), and House Rule 6, Section 16(f), Representative Woolley moved to adopt the following rule governing floor consideration for **HB 1156**:

All original amendments that will be offered during second reading consideration must be filed with the chief clerk not later than 12 p.m., noon, on Sunday, April 13, 2003.

The motion prevailed without objection.

### **HJR 61 ON SECOND READING**

**(by McReynolds, et al.)**

**HJR 61**, A joint resolution proposing a constitutional amendment authorizing municipalities to donate surplus fire-fighting equipment or supplies for the benefit of rural volunteer fire departments.

A record vote was requested.

**HJR 61** was adopted by (Record 183): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Oliveira.

Absent — Davis, J.; Noriega; Quintanilla; Smithee.

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

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

**HB 54 ON THIRD READING  
(by Wolens, Denny, Madden, et al.)**

**HB 54**, A bill to be entitled An Act relating to certain early voting by mail procedures and to the prevention of voting fraud generally; providing criminal penalties.

**HB 54** was passed.

**HB 1131 ON THIRD READING  
(by Flores, Marchant, Driver, Ritter, Hardcastle, et al.)**

**HB 1131**, A bill to be entitled An Act relating to insurer interests in certain motor vehicle repair facilities.

**HB 1131** was passed. (Berman and Heflin recorded voting no)

**HB 207 ON THIRD READING  
(by Puente)**

**HB 207**, A bill to be entitled An Act relating to a defendant's right to appear by counsel in certain misdemeanor cases.

**Amendment No. 1**

On behalf of Representative Alonzo, Representative Puente offered the following amendment to **HB 207**:

Amend **HB 207** on third reading by adding the following appropriately numbered section and renumbering subsequent sections accordingly:

SECTION \_\_\_\_\_. Subchapter D, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.204 to read as follows:

Art. 45.204. SIGNATURE OF DEFENDANT NOT REQUIRED. A municipal court may not require the signature of a defendant on an appearance bond.

Amendment No. 1 was adopted without objection.

**HB 207**, as amended, was passed.

**HB 1169 ON THIRD READING  
(by Madden)**

**HB 1169**, A bill to be entitled An Act relating to evaluations of public school counselors.

A record vote was requested.

**HB 1169** was passed by (Record 184): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noreiga; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Oliveira.

Absent — Crabb; Heflin.

### **HB 1883 ON THIRD READING**

(by **Baxter, Naishtat, Krusee, Keel, and Stick**)

**HB 1883**, A bill to be entitled An Act relating to the appointment of a voting proxy by a policy board member of a metropolitan planning organization.

A record vote was requested.

**HB 1883** was passed by (Record 185): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips;

Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Oliveira.

Absent — Flores; McClendon.

### **HB 575 ON THIRD READING**

**(by Miller, Riddle, Callegari, Mercer, et al.)**

**HB 575**, A bill to be entitled An Act relating to displaying or reading from certain historical texts in public schools.

**HB 575** was passed.

### **MESSAGE FROM THE SENATE**

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

### **HB 651 ON THIRD READING**

**(by Pitts, Campbell, et al.)**

**HB 651**, A bill to be entitled An Act relating to the creation of a savings incentive program for state agencies.

**HB 651** was passed.

### **HB 673 ON THIRD READING**

**(by Madden)**

**HB 673**, A bill to be entitled An Act relating to parental notification of public school teacher qualifications.

A record vote was requested.

**HB 673** was passed by (Record 186): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Lewis; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega; Olivo; Paxton; Peña; Phillips;

Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Denny; Oliveira.

Absent — Jones, D.; Miller; Reyna.

#### STATEMENTS OF VOTE

When Record No. 186 was taken, my vote failed to register. I would have voted no.

D. Jones

When Record No. 186 was taken, I was in the house but away from my desk. I would have voted yes.

Miller

#### HB 849 ON THIRD READING (by Talton)

**HB 849**, A bill to be entitled An Act relating to the regulation of tow truck lights by political subdivisions.

**HB 849** was passed.

#### HB 1088 ON THIRD READING (by Hill)

**HB 1088**, A bill to be entitled An Act relating to sales tax information provided by the comptroller to certain municipalities.

**HB 1088** was passed.

#### HB 1510 ON THIRD READING (by Flores)

**HB 1510**, A bill to be entitled An Act relating to package store tasting permits.

**HB 1510** was passed.

#### HB 1592 ON THIRD READING (by Nixon, et al.)

**HB 1592**, A bill to be entitled An Act relating to the establishment of the offense of performing a medical procedure while under the influence of drugs or alcohol.

**HB 1592** was passed.

(McReynolds in the chair)

**GENERAL STATE CALENDAR  
HOUSE BILLS  
SECOND READING**

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

**CSHB 545 ON SECOND READING  
(by Wohlgemuth, Flores, Hupp, Uresti, Berman, et al.)**

**CSHB 545**, A bill to be entitled An Act relating to military discharge records that are recorded with or otherwise in the possession of a governmental body.

Representative Wohlgemuth moved to postpone consideration of **CSHB 545** until noon today.

The motion prevailed without objection.

**HB 103 ON SECOND READING  
(by Bonnen, Hopson, and Menendez)**

**HB 103**, A bill to be entitled An Act relating to an additional cost on conviction for an alcohol-related offense.

**Amendment No. 1**

Representative Bonnen offered the following amendment to **HB 103**:

Amend **HB 103** (introduced version) as follows:

(1) On page 1, line 10, between "Code," and "shall", insert "or Chapter 106, Alcoholic Beverage Code,".

(2) On page 1, lines 14 and 15, strike "only for the purchase of law enforcement equipment that" and substitute "for any purpose".

Amendment No. 1 was adopted without objection.

**HB 103**, as amended, was passed to engrossment.

**HB 174 ON SECOND READING  
(by Howard, Isett, Berman, Corte, Seaman, et al.)**

**HB 174**, A bill to be entitled An Act relating to benefits for members of the state military forces called to active state duty.

**Amendment No. 1**

Representative Howard offered the following amendment to **HB 174**:

Amend **HB 174** by striking Section 2 of the bill and substituting the following:

SECTION 2. This Act applies only to persons serving on active state duty on or after the effective date of this Act without regard to the date on which the person was initially ordered to active state duty.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Amendment No. 1 was adopted without objection.

**HB 174**, as amended, was passed to engrossment.

**CSHB 284 ON SECOND READING**

**(by Ellis and Kuempel)**

**CSHB 284**, A bill to be entitled An Act relating to the applicability of the offense of unlawfully carrying a weapon to certain persons carrying a weapon in a recreational vehicle.

**CSHB 284** was passed to engrossment.

**CSHB 500 ON SECOND READING**

**(by Goolsby)**

**CSHB 500**, A bill to be entitled An Act relating to the confidentiality of certain information contained in applications for ad valorem tax exemptions; providing criminal penalties.

**CSHB 500** was passed to engrossment.

**CSHB 558 ON SECOND READING**

**(by Grusendorf)**

**CSHB 558**, A bill to be entitled An Act relating to rehiring experienced teachers under probationary contracts.

**CSHB 558** was passed to engrossment. (D. Jones recorded voting no)

**HB 564 ON SECOND READING**

**(by Haggerty)**

**HB 564**, A bill to be entitled An Act relating to an exemption for certain military personnel and veterans from the requirements of the Texas Academic Skills Program.

**HB 564** was passed to engrossment.

**CSHB 1564 ON SECOND READING**

**(by Truitt)**

**CSHB 1564**, A bill to be entitled An Act relating to the use of municipal funds for the acquisition of land or acquisition, construction, expansion, or renovation of facilities for an open-enrollment charter school.

**Amendment No. 1**

Representative Truitt offered the following amendment to **CSHB 1564**:

Amend **CSHB 1564** on page 2, line 5, by striking "an" and substituting "its".

Amendment No. 1 was adopted without objection.

**CSHB 1564**, as amended, was passed to engrossment.

**CSHB 727 ON SECOND READING**  
**(by Delisi, Capelo, et al.)**

**CSHB 727**, A bill to be entitled An Act relating to disease management programs for certain Medicaid recipients.

**Amendment No. 1**

Representative Delisi offered the following amendment to **CSHB 727**:

Amend Section 1, Sec. 32.059 (a) (1) by adding the word "hemophilia" before the word "diabetes" and renumber accordingly.

Amendment No. 1 was adopted without objection.

(Christian in the chair)

**CSHB 727**, as amended, was passed to engrossment.

(Speaker in the chair)

**HB 728 ON SECOND READING**  
**(by Delisi)**

**HB 728**, A bill to be entitled An Act relating to the continuous eligibility of certain children for medical assistance benefits.

**HB 728** was passed to engrossment.

**CSHB 1716 ON SECOND READING**  
**(by Lewis and Hughes)**

**CSHB 1716**, A bill to be entitled An Act relating to conflicts of interest of certain local public officials engaged in the practice of law.

**CSHB 1716** was passed to engrossment.

**POSTPONED BUSINESS**

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

**CSHB 545 ON SECOND READING**  
**(by Wohlgemuth, Flores, Hupp, Uresti, Berman, et al.)**

**CSHB 545**, A bill to be entitled An Act relating to military discharge records that are recorded with or otherwise in the possession of a governmental body.

**CSHB 545** was read second time earlier today and was postponed until noon today.

**CSHB 545** was passed to engrossment.

**GENERAL STATE CALENDAR**  
**(consideration continued)**

**HB 1743 ON SECOND READING**  
**(by Delisi, et al.)**

**HB 1743**, A bill to be entitled An Act relating to prevention of fraud and abuse under the medical assistance program; creating an offense.



Representative Delisi moved to postpone consideration of **HB 1743** until the end of today's calendar.

The motion prevailed without objection.

**CSHB 1767 ON SECOND READING**  
**(by Ellis)**

**CSHB 1767**, A bill to be entitled An Act relating to the approval of certain expenditures by an incumbent county commissioner who was not reelected.

**CSHB 1767** was passed to engrossment.

**HB 1566 ON SECOND READING**  
**(by Telford)**

**HB 1566**, A bill to be entitled An Act relating to lower-division and upper-division courses at Texas A&M University-Texarkana.

**HB 1566** was passed to engrossment.

**RESOLUTIONS CALENDAR**

The chair laid before the house the following resolutions on committee report:

**CSHCR 56 - ADOPTED**  
**(by Delisi)**

**CSHCR 56**, Urging the secretary of the United States Department of Health and Human Services to authorize any section 1115 demonstration waivers.

**CSHCR 56 - STATEMENT OF LEGISLATIVE INTENT**

REPRESENTATIVE COLEMAN: Under this bill, you propose that the State of Texas and the federal government approve a Section 1115 waiver and you know—or tell me if a Section 1115 waiver has been used as a research and demonstration project for the increase in services or coverage for a people in a state. As a matter of fact, isn't that one of the requirements or has been traditionally a requirement of a Section 1115 waiver?

REPRESENTATIVE DELISI: It has Mr. Coleman, and you have really been the expert in 1115 waivers. What this waiver does is something different, and we're using the states of Arkansas and Florida as our models. And in this waiver, new ways of handling a Medicaid population through a counseling program allows them to stay in their home so that they don't go into that final nursing home situation. Yes, under this waiver, it does save money, but the customer satisfaction is about 99 percent on this.

COLEMAN: Under your committee substitute to **HCR 56**, you discussed specifically Medicaid and SCHIP as something that you're looking at in terms of the costs in those programs and the scope of services that are available. What is it under this particular HCR that you want to do with Medicaid and SCHIP in a waiver that the state may want to apply for?

DELISI: Well, there is a particular program that has been used in Florida and is called Vocation Counseling Program and this is a pilot program that, for a certain population—and they have just done a demonstration project, so it hasn't been with an enormous number of people—but in that program, we have found, in those states, that the elderly population was able to stay in their own home, not go to a nursing home, they have been able to use some of these Medicaid dollars that would have paid for their nursing home but at less cost, they're able to stay in their own home. That's how those dollars would be used in the demonstration project.

COLEMAN: And that is very similar, in a way, to how CBA, Community Based Alternatives, deals with home care because you save money on the housing component of a long term care. The question that I would have is, how would that relate to children in the CHIP program and children in the Medicaid program, and is there some limitation to the benefits that they would receive that is contemplated in this HCR under this 1115 waiver that would be applied for?

DELISI: I don't see any limit to the benefit that they would receive, and I see, under this waiver, the very first population that HSHC would address would be the elderly Medicaid population.

COLEMAN: The only reason I bring that up, because, in the actual HCR, it discusses the evidence-based model and consumer directed care program. Would you tell us what you mean by consumer directed care or what your intent is in this particular HCR?

DELISI: Evidence based procedure is a procedure that is used now consistently across the United States in the health care field that decisions are made based on science rather than subjectivity and so that is the reason that language is written in. Your other question, Garnet, tell me the second part of your question.

COLEMAN: Explain to the members of the house what consumer directed care means and what would does that mean?

DELISI: It is where the Medicaid recipient is allowed to have some control over how those Medicaid dollars are spent for their own benefit.

COLEMAN: Okay. So how would they control that?

DELISI: They may be allowed to stay in their own home if they could have a certain hospital bed that allows them to do that. They might have to move into a nursing home for that bed but if fewer dollars were able pay for that and they were allowed to stay in their own home, then that would be allowed under this program.

COLEMAN: I think one of the reasons I bring up the question is the HCR contemplates something different than a long-term care model, and in the discussion here, it discusses clearly CHIP and children's Medicaid or other forms of Medicaid and not so much long-term care. So, what I would, what I'm trying to understand and maybe you can help me understand because this is what we're passing, what does it mean to those populations when we say consumer directed care model?

DELISI: The whole purpose of a consumer directed care model for Medicaid enrollees gives some ability of the enrollee to decide how that money is spent for their benefit and it is really very revolutionary. We are just seeing pockets of these kind of programs across the United States.

COLEMAN: Is it called anything else in the private sector?

DELISI: Defined contributions.

COLEMAN: Defined contributions. So, essentially what would occur is, under defined contribution, you would get a certain amount of money and that's it?

DELISI: Under a pure defined contribution, that would be the case.

COLEMAN: But you're not contemplating a pure defined contribution for children in CHIP or children in Medicaid.

DELISI: I absolutely am not.

COLEMAN: Okay. So when you discuss, tell me if I'm correct, when you discuss consumer directed care, you're talking about, essentially, a defined contribution model that says that this much money is allocated for your health care coverage for that particular year and that is where it stops and then anything above that costs, you're responsible for that on your own.

DELISI: Well, Garnet, that is what a pure defined contribution model would be but that is not really what I'm going after with this waiver. What I'm going after is allowing the Medicaid enrollee some say so in how these dollars are spent for their benefit. They may not want to go into a long-term care situation. And so it gives them some power. And the revolutionary thing about these waivers, in these various states that I have found, is that consumer satisfaction has been way up because Medicaid populations can make decisions and it allows them to do so.

COLEMAN: The Medicaid population now decides which provider they're going to use. They have consent over any procedure just like anyone else. So they are, at least in some way, directing their care. Is that not correct?

DELISI: It is indeed correct, yes.

### **REMARKS ORDERED PRINTED**

Representative Coleman moved to print remarks between Representative Coleman and Representative Delisi.

The motion prevailed without objection.

**CSHCR 56** was adopted.

### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

Financial Institutions, upon first recess today, Desk 7, for a formal meeting, to consider pending business.

State Cultural and Recreational Resources, upon first recess today, Desk 69, for a formal meeting, to consider pending business.

Insurance, upon first recess today, Desk 24, for a formal meeting, to consider **SB 339**, **SB 418**, and other pending business.

### RECESS

Representative Geren moved that the house recess until 1:45 p.m. today.

The motion prevailed without objection.

The house accordingly, at 12:43 p.m., recessed until 1:45 p.m. today.

### AFTERNOON SESSION

The house met at 1:45 p.m. and was called to order by Representative Baxter.

### CSHCR 57 - ADOPTED

(by Delisi)

**CSHCR 57**, Urging Congress to enact the Children First SCHIP Improvement Act of 2003 and enact legislation further extending the availability of 2000 and 2001 SCHIP allotments until 2005.

**CSHCR 57** was adopted.

### CSHCR 82- ADOPTED

(by Campbell, et al.)

**CSHCR 82**, Memorializing Congress to increase Texas' share of revenue from the federal fuel tax to 95 percent.

**CSHCR 82** was adopted.

On motion of Representative Garza, the names of all the members of the house were added to **CSHCR 82** as signers thereof.

### POSTPONED BUSINESS

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

### HB 1743 ON SECOND READING

(by Delisi, et al.)

**HB 1743**, A bill to be entitled An Act relating to prevention of fraud and abuse under the medical assistance program; creating an offense.

**HB 1743** was read second time earlier today and was postponed until this time.

### Amendment No. 1

Representative Delisi offered the following amendment to **HB 1743**:

Amend **HB 1743** as follows:

- (1) On page 6, line 25, immediately following the semicolon, strike "or".
- (2) On page 6, between lines 25 and 26, insert the following:

(2) the provision of a value-added service if the person is a managed care organization; or

(3) On page 6, line 26, strike "(2)" and substitute "(3) other".

Amendment No. 1 was adopted without objection.

### **Amendment No. 2**

Representative Stick offered the following amendment to **HB 1743**:

Amend **HB 1743** as follows:

(1) On page 9, between lines 3 and 4, insert the following new SECTION, appropriately numbered, and renumber the sections of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 531, Government Code, is amended by adding Section 531.1005 to read as follows:

Sec. 531.1005. DEFINITIONS. In this subchapter:

(1) "Abuse" means:

(A) a provider practice that is inconsistent with sound fiscal, business, or medical practices and results in unnecessary cost to the Medicaid program or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care; and

(B) recipient practices that result in unnecessary cost to the Medicaid program.

(2) "Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to the person or another person. The term includes an act that constitutes fraud under applicable federal or state law.

(3) "Furnished" means the provision of items or services directly by or under the direct supervision of, or ordered by, a practitioner or other individual (either as an employee or in the person's own capacity), a provider, or another supplier of items or services. The term does not include the provision of items or services ordered by one party but billed for and provided by or under the supervision of another party.

(4) "Hold on payment" means the temporary denial of reimbursement under the Medicaid program for items or services furnished by a specified provider.

(5) "Practitioner" means a physician or other individual licensed under state law to practice the person's profession.

(6) "Program exclusion" means the suspension of a provider from being authorized under the Medicaid program to request reimbursement for items or services furnished by that specific provider.

(7) "Provider" means a person that was or is approved by the department to:

(A) provide medical assistance under a contract or provider agreement with the department; or

(B) provide third-party billing vendor services to other providers under a contract or provider agreement with the department.

(2) On page 9, line 5, strike "(f) and (g)" and substitute "(f), (g), (h), (i), and (j)".

(3) On page 9, strike lines 17-27, and on page 10, strike lines 1-4, and substitute the following:

(f) If the department receives a complaint of Medicaid fraud or abuse from any source or identifies any questionable practices, the department must conduct an integrity review to determine whether there is sufficient basis to warrant a full investigation. The department shall begin the integrity review not later than the 30th day after the department receives a complaint or identifies a questionable practice. The department shall complete the integrity review not later than the 60th day after the department begins the review.

(g) If the results of the integrity review give the department reason to believe that an incident of fraud or abuse has occurred in the Medicaid program, the department, not later than the 30th day after the review is completed, shall:

(1) refer the case to the attorney general's Medicaid fraud control unit if a provider is suspected of fraud or abuse; or

(2) conduct a full investigation if the department has reason to believe that a recipient has committed fraud or abuse.

(h) In connection with the investigation of fraud or abuse in the provision of health and human services, the department shall impose a hold on payment of claims for reimbursement submitted by a provider or impose a program exclusion with respect to a provider, as applicable, to compel the production of records or when requested by the attorney general's Medicaid fraud control unit. The department shall notify the provider of the hold on payment or the program exclusion not later than the fifth working day after the date the hold or exclusion is imposed.

(i) The department, by documented policy or administrative procedure, shall establish protocols under which, after consultation with the attorney general's Medicaid fraud control unit, the department:

(1) may decide to impose a hold on payment or a program exclusion; or

(2) is required to automatically impose a hold on payment or a program exclusion.

(j) If the department learns or has reason to suspect that a provider's records are being withheld, concealed, destroyed, fabricated, or falsified in any way, the department shall presume that fraud has occurred and shall immediately refer the case to the attorney general's Medicaid fraud control unit.

(4) Strike SECTION 10 of the bill (page 10, line 27, through page 12, line 12) and substitute the following appropriately numbered section:

SECTION \_\_\_\_ . Section 531.104, Government Code, is amended by adding Subsection (c) to read as follows:

(c) The memorandum of understanding must provide that the department is required to permit:

(1) Medicaid agencies to make direct fraud referrals to the attorney general's Medicaid fraud control unit; and

(2) unimpeded communication between Medicaid agency employees and the unit.

(5) On page 13, strike lines 25 and 26 and substitute "531.104, Government Code, as necessary to comply with Section 531.104(c), Government Code, as added by this Act."

(6) On page 14, between lines 15 and 16, insert the following appropriately numbered section:

SECTION \_\_\_\_. Section 531.103(e), Government Code, is repealed.

Amendment No. 2 was withdrawn.

Representative Delisi moved to postpone consideration of **HB 1743** until 11 a.m. tomorrow.

The motion prevailed without objection.

#### **FIVE DAY POSTING RULE SUSPENDED**

Representative Driver moved to suspend the five day posting rule to allow the Committee on Law Enforcement to consider **HB 1721**, **HB 3203**, and **HB 3477**.

The motion prevailed without objection.

#### **COMMITTEE MEETING ANNOUNCEMENTS**

The following committee meetings were announced:

County Affairs, upon final recess today, E2.016, for a public hearing, to complete today's posted agenda.

Law Enforcement, upon final recess today, JHR 140, for a public hearing, to consider **HB 1721**, **HB 3203**, and **HB 3477**.

Energy Resources, upon final recess today, JHR 110, for a public hearing.

Environmental Regulation, upon final recess today, Desk 3, for a formal meeting, to consider pending business.

Land and Resource Management, will reconvene upon final recess, in the regular committee room.

Border and International Affairs, will reconvene 15 minutes after final recess today, E1.014, for a formal meeting.

Higher Education, upon final recess today, JHR 120, for a public hearing.

Corrections, upon final recess today, Desk 1, for a formal meeting, to consider pending business.

#### **RECESS**

Representative Geren moved that the house recess until 9 a.m. tomorrow in memory of Marine Corporal Jesus Martin Medellin of Saginaw who was killed in action during Operation Iraqi Freedom on April 8, 2003.

The motion prevailed without objection.

The house accordingly, at 2:38 p.m., recessed until 9 a.m. tomorrow.

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**ADDENDUM**

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**REFERRED TO COMMITTEES**

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

**List No. 1**

**HCR 192** (By Uresti), Welcoming Toyota Motor Corporation to Texas.  
To Rules and Resolutions.

**HR 704** (By Lewis), Recognizing the National Bar Association's 23rd Annual Mid-Year Conference and the Gertrude E. Rush Award Dinner.  
To Rules and Resolutions.

**HR 705** (By B. Brown), Congratulating the La Rue La Poynor High School girls' basketball team on winning the 2003 UIL Class A, Division I, state championship.  
To Rules and Resolutions.

**HR 706** (By Pickett), Recognizing April 8, 2003, as The University of Texas at El Paso 1966 NCAA Basketball Champions Day.  
To Rules and Resolutions.

**HR 709** (By Farabee), Honoring the Texoma Community Credit Union for its 50 years of service to North Texas.  
To Rules and Resolutions.

**HR 710** (By McClendon), Recognizing April 15, 2003, as Transplant Day at the State Capitol and commending the Texas Transplantation Society.  
To Rules and Resolutions.

**HR 711** (By McClendon), Congratulating coach Wayne Dickey and the members of the Sam Houston High School boys' basketball team on their fine season.  
To Rules and Resolutions.

**HR 712** (By McClendon), Congratulating coach Charlotte Jones and the members of the Sam Houston High School girls' basketball team on their fine season.  
To Rules and Resolutions.

**HR 713** (By Isett), Honoring Gene Beck for his selection as the Texas Agricultural Cooperative Council's Cooperative Ginner of the Year.  
To Rules and Resolutions.

**HR 715** (By Campbell), Honoring the life of Samuel Lewis of San Angelo.  
To Rules and Resolutions.



**HR 718** (By Hegar and Callegari), In memory of Edward Monroe Morton of Katy.

To Rules and Resolutions.

**HR 719** (By Geren), Honoring the Texas Chiropractic Association.

To Rules and Resolutions.

**HR 720** (By Geren), Honoring the recipients of the Keeler Plaque from the Texas Chiropractic Association.

To Rules and Resolutions.

**HR 721** (By Harper-Brown), In memory of Corporal Brian Matthew Kennedy of Houston.

To Rules and Resolutions.

**HR 722** (By Harper-Brown), In memory of Staff Sergeant Phillip A. Jordan of Enfield, Connecticut.

To Rules and Resolutions.

**HR 723** (By Wong, Van Arsdale, Harper-Brown, Laubenberg, and Baxter), Congratulating Jody Conradt of The University of Texas on her 800th career coaching win.

To Rules and Resolutions.

**SB 533** to Financial Institutions.

**SB 602** to Human Services.

**SB 663** to Law Enforcement.

**SB 976** to Public Education.

**SB 1108** to Public Education.

Pursuant to Rule 1, Section 4 of the House Rules, the chair corrects the referral of the following bills and resolutions:

**HB 2948** (By Hope), Relating to a timeshare developer's ability to complete certain documents.

To Licensing and Administrative Procedures.

**HB 3283** (By Goolsby), Relating to amendments to the Texas Timeshare Act.

To Licensing and Administrative Procedures.

### **SIGNED BY THE SPEAKER**

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

**House List No. 24**

**HCR 54, HCR 55**

### **MESSAGES FROM THE SENATE**

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

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, April 9, 2003

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**SB 16** Staples  
Relating to mentoring services programs for at-risk students in public schools.

**SB 273** Shapleigh  
Relating to the continuation and functions of the Court Reporters Certification Board; providing an administrative penalty.

**SB 408** Deuell  
Relating to the punishment for the offense of terroristic threat.

**SB 490** Shapleigh  
Relating to developing and coordinating certain agency services and activities involving mental health care for young children.

**SB 568** West  
Relating to security officers for medical corporations in certain municipalities.

**SB 656** Brimer  
Relating to the removal of certain on-premise signs in a municipality.

**SB 804** Zaffirini  
Relating to accommodations and work assignments for certain pregnant Department of Public Safety officers.

**SCR 39** Bivins  
In memory of J. Hugh Liedtke of Houston.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

**Message No. 2**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Wednesday, April 9, 2003 - 2

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HCR 40** Talton SPONSOR: Jackson  
In memory of Deotis Gay, Sr., of La Porte.

**HCR 195** Gallego SPONSOR: Madla  
Recognizing April 9, 2003, as Uvalde County Day at the State Capitol.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**April 8**

Agriculture and Livestock - **HB 1148, HB 2328**

Border and International Affairs - **SB 353**

Elections - **HB 1549**

Financial Institutions - **HB 2415**

Government Reform - **HB 3041, HB 3044**

Land and Resource Management - **HB 547, HB 662**

Natural Resources - **HB 803, HB 1532, HB 1540, HB 3034**

Pensions and Investments - **HB 88, HB 94, HB 264, HB 752, HB 2359**

Public Education - **HB 1619**

State Affairs - **HB 51, HB 298, HB 1499, HB 1792, HB 2343, HB 2376**

### ENGROSSED

**April 8 - HB 538, HB 583, HB 678, HB 804, HB 886, HB 898, HB 912, HB 1020, HB 1022, HB 1042, HB 1171, HB 1193, HB 1364, HB 1365**

### ENROLLED

**April 8 - HCR 54, HCR 55**

### SENT TO THE GOVERNOR

**April 8 - HCR 162**

