

HOUSE JOURNAL

SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTIETH DAY — FRIDAY, MAY 16, 2003

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

The roll of the house was called and a quorum was announced present (Record 623).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; 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; Goodman; Goolsby; Griggs; Grusendorf; 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; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; 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; Wong; Woolley; Zedler.

Absent — Capelo; Escobar; Giddings; Guillen; Moreno, P.; Oliveira; Smithee; Wolens.

The invocation was offered by Reverend Cheryl Owens, pastor, First United Methodist Church, Bandera, as follows:

Creator God, we are fearfully and wonderfully made. By your creative power you formed each of us with a purpose for life and passion for discovering that purpose. Indeed, for each member of the house of representatives, you have given special and unique gifts of leadership and service.

Today, we pray for those whom the people have chosen to lead the State of Texas. Lord, we acknowledge that often it is not easy for them to lead such a diverse people, whose many wants cannot all be satisfied. Often it is not easy to discern which actions will produce the greatest good for the greatest number. It is not easy to bear the extraordinary pressures in the complex world of politics.

Assist our elected leaders. Bless them with the stamina and wisdom to know what is right and honorable in your sight and the integrity to use their power for good. Grant our state a succession of lawmakers who have learned

how to do justice, love mercy, and walk humbly before you. Send your blessings upon each representative here today as they work together in leading this state and its people with vision and hope for a future that is bright with promise. God, bless Texas. Amen.

CAPITOL PHYSICIAN

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

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

(P. Moreno now present)

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Edwards and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

LEAVE OF ABSENCE GRANTED

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

Oliveira on motion of Puente.

(Escobar now present)

HR 1205 - ADOPTED (by Noriega)

Representative Noriega moved to suspend all necessary rules to take up and consider at this time **HR 1205**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1205, Commemorating Armed Forces Day, May 17, 2003.

HR 1205 was adopted without objection.

On motion of Representative Wise, the names of all the members of the house were added to **HR 1205** as signers thereof.

(Capelo now present)

INTRODUCTION OF GUESTS

The speaker recognized Representative Berman who introduced members of the Armed Forces.

MESSAGES FROM THE SENATE

Messages from the senate were received at this time (see the addendum to the daily journal, Messages from the Senate, Message Nos. 1, 2, 3, and 4).

(Edwards in the chair)

HR 1147 - ADOPTED
(by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1147**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1147, Honoring Preston and Colleen Geren of Fort Worth on their 50th wedding anniversary.

HR 1147 was adopted without objection.

HR 7 - ADOPTED
(by Mercer)

Representative Mercer moved to suspend all necessary rules to take up and consider at this time **HR 7**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 7, Honoring the memory of Norma Paschal for her many years of service to the children of the Schertz-Cibolo-Universal City Independent School District.

HR 7 was unanimously adopted by a rising vote.

(Speaker in the chair)

HCR 153 - ADOPTED
(by Truitt)

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HCR 153**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 153, Congratulating the Southlake Carroll High School football team on winning the 2002 UIL Class 5A, Division II, state championship.

HCR 153 was adopted without objection.

HR 1107 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1107**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1107, Congratulating Shirley Warshaw of Houston on her receipt of the David H. White Memorial Award.

HR 1107 was adopted without objection.

HR 1166 - ADOPTED**(by Wong)**

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1166**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1166, Honoring Connie Riddle as Mother of the Year by the Houston Chapter of the Texas Mothers Association.

HR 1166 was adopted without objection.

HR 1167 - ADOPTED**(by Wong)**

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1167**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1167, Honoring Harry Grenader, Roy Love, and Harry Pepper on their induction into the Ronnie Arrow Jewish Sports Hall of Fame.

HR 1167 was adopted without objection.

HR 1168 - ADOPTED**(by Wong)**

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1168**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1168, Congratulating Rob Mosbacher for earning Leadership Houston's Distinguished Leadership Award.

HR 1168 was adopted without objection.

HR 1169 - ADOPTED**(by Wong)**

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1169**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1169, Honoring the life of Michelle Lynn Rothwell of Houston.

HR 1169 was adopted without objection.

HR 1170 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1170**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1170, Congratulating the Port of Houston Authority on winning a 2003 Texas Environmental Excellence Award.

HR 1170 was adopted without objection.

HR 1171 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1171**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1171, In memory of Christopher Albert Kaepfel of Houston.

HR 1171 was adopted without objection.

HR 1172 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HR 1172**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1172, Honoring Dr. Peggy B. Smith of Houston on receiving the Kezia DePelchin Award.

HR 1172 was adopted without objection.

HR 1206 - ADOPTED
(by Alonzo)

Representative Alonzo moved to suspend all necessary rules to take up and consider at this time **HR 1206**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1206, Recognizing the second annual National LULAC Education Summit at The University of Texas at Arlington on May 17, 2003.

HR 1206 was adopted without objection.

HR 1113 - ADOPTED
(by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 1113**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1113, Commending CBS News correspondent Jim Axelrod for his coverage of Operation Iraqi Freedom.

HR 1113 was adopted without objection.

HR 1207 - ADOPTED
(by Goolsby)

Representative Goolsby moved to suspend all necessary rules to take up and consider at this time **HR 1207**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1207, Honoring Andre P. Juneau of Austin as the outgoing president of Independent Insurance Agents of Texas.

HR 1207 was adopted without objection.

HR 1194 - ADOPTED
(by Hamric and Luna)

Representative Hamric moved to suspend all necessary rules to take up and consider at this time **HR 1194**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1194, Honoring the memory of our esteemed colleague, State Representative Irma Rangel.

HR 1194 was unanimously adopted by a rising vote.

On motion of Representative Goolsby, the names of all the members of the house were added to **HR 1194** as signers thereof.

(Edwards in the chair)

HCR 254 - ADOPTED
(by Wong)

Representative Wong moved to suspend all necessary rules to take up and consider at this time **HCR 254**.

The motion prevailed without objection.

The following resolution was laid before the house:

HCR 254, Recognizing the Museum of American Music History-Texas as the official Texas Museum of American Music History.

HCR 254 was adopted without objection.

CONGRATULATORY AND MEMORIAL CALENDAR

The following congratulatory resolutions were laid before the house:

HCR 212 (by Lewis), Congratulating the Area II participants in the Fort Worth Independent School District's 2002 spelling bee contest.

HCR 213 (by Lewis), Honoring Monica DeSantiago and Arthur Moore, Area II champion and runner-up in the Fort Worth Independent School District 2003 spelling bee.

HCR 214 (by Lewis), Honoring Alexis Whiteside and Shonte Roberts for their achievements in the Fort Worth Independent School District 2003 spelling bee.

HCR 215 (by Lewis), Honoring Vanessa Norris and James Kemp, Area III champion and runner-up in the Fort Worth Independent School District 2003 spelling bee.

HCR 216 (by Lewis), Congratulating the Area III participants in the Fort Worth Independent School District's 2002 spelling bee contest.

HCR 217 (by Lewis), Congratulating the Fort Worth Ambassadors of Christ Christian Academy boys' basketball team on winning the 2002-2003 TAPPS Class 1A state title.

HCR 234 (by Lewis), Honoring Morningside Elementary School as a "recognized school."

HCR 235 (by Lewis), Honoring Harlean Beal Elementary School as a "recognized school."

HCR 236 (by Lewis), Honoring Mitchell Boulevard Elementary School as a "recognized school."

HCR 237 (by Lewis), Honoring Christene Moss Elementary School as a "recognized school."

HCR 238 (by Lewis), Honoring A. M. Pate Elementary School as a "recognized school."

HCR 239 (by Lewis), Honoring David K. Sellars Elementary School as a "recognized school."

HCR 240 (by Lewis), Honoring Maudrie Walton Elementary School as a "recognized school."

HCR 241 (by Lewis), Honoring Van Zandt-Guinn Elementary School as an "exemplary school."

HCR 242 (by Lewis), Honoring East Handley Elementary School as an "exemplary school."

HCR 243 (by Lewis), Honoring Edward J. Briscoe Elementary School as an "exemplary school."

HCR 244 (by Lewis), Congratulating Deralyn Riles Davis of Fort Worth on the 50th anniversary of her graduation from Huston-Tillotson College.

HR 6 (by Deshotel), Congratulating Jerry LeVias on his athletic accomplishments.

HR 825 (by Chavez), Honoring Dr. David R. Smith for his service in behalf of the Texas Tech University Health Sciences Center at El Paso.

HR 838 (by Hunter), Honoring Paul Carrozza of Austin, owner of RunTex.

HR 839 (by Hunter), Honoring Kevin Pyeatt of Abilene for being named Officer of the Year by the Abilene Crime Stoppers organization.

HR 840 (by Farrar), Honoring Texas artist Dixie Friend Gay.

HR 842 (by Krusee), Honoring Dr. Ernie W. Laurence, Sr., on his retirement as superintendent of Hutto Independent School District.

HR 848 was withdrawn.

HR 856 (by J. Jones), Honoring Myrtis Evans Griffin for her selection as one of the "Women of the Year-2003" in conjunction with Women's History Month in Dallas.

HR 862 (by Pitts), Honoring TXI for being named to Fortune magazine's list of "America's Most Admired Companies."

HR 864 (by Pitts), Honoring ARCHITEXAS on its 25th anniversary.

HR 865 was withdrawn.

HR 887 (by Merritt), Honoring Nancy Grisham on being named the 2003 First Lady of Kilgore.

HR 888 (by Gallego), Honoring Doug Davalos of Sul Ross State University on being named American Southwest Conference West Division Coach of the Year.

HR 894 (by Hill), Honoring Edith Tyloch of North Dallas for her contributions to her community.

HR 897 (by Truitt), Congratulating Brenda and Vern Jackson of Tarrant County on receiving a 2003 STARS award.

HR 898 (by Hamilton), Congratulating Advertising Associates of Beaumont on its 35th anniversary.

HR 899 was withdrawn.

HR 910 (by Crownover), Honoring University of North Texas students who received Barry M. Goldwater Scholarships.

HR 918 (by Peña and Gutierrez), Commending members of the Edinburg Volunteer Fire Department.

HR 927 (by Chavez), Honoring the El Paso Holocaust Museum and Study Center.

HR 928 (by Chavez), Honoring John T. Montford for his contributions to the Texas Tech University Health Sciences Center.

HR 933 (by P. Moreno), Honoring Blanca Enriquez of El Paso for her appointment to the advisory board of the National Institute for Literacy.

HR 934 (by P. Moreno), Honoring Robert Aguilar of El Paso on being named assistant principal of Glen Cove Elementary School.

HR 942 (by Truitt), Congratulating Lou Baum of Tarrant County on his receipt of a 2003 STARS award.

HR 945 (by Flores), Congratulating Texas State Bank on its selection as the corporate recipient of the 2003 Governor's Volunteer Award.

HR 948 (by Hamilton), Honoring the First Presbyterian Church of Orange on its 125th anniversary.

HR 949 (by Hamilton), Recognizing the historical significance of the Wilson Chapel Cemetery near Newton.

HR 951 (by Bohac), Honoring Carlos Gonzalez on his 80th birthday.

HR 952 (by Bohac), Congratulating Benno and Ruby Bauer of Kerrville on their 60th wedding anniversary.

HR 954 (by R. Cook), Honoring Randy Bacus, CEO of the Colorado-Fayette Medical Center in Weimar, for his service to rural Texans.

HR 961 (by Guillen), Honoring Renato Ramirez of Zapata for his commitment to his community.

HR 967 (by Wilson), Honoring Virgil E. and Eartha Mae Rogers of Tyler on their 65th wedding anniversary.

HR 968 (by Wilson), Congratulating Christina and Terry Lawell of Houston on the birth of their daughter, Rachel Nichole Lawell.

HR 975 (by Wolens), Honoring former State Representative Hill Kemp on the publication of his novel, Capitol Offense.

HR 988 (by Raymond), Honoring Charlie Rendon of Laredo as state powerlifting champion.

HR 989 (by Raymond), Honoring Ignacio Garcia on his retirement from Buenos Aires Elementary School.

HR 990 (by Griggs), Honoring Allen Norman on his retirement from Birdville Independent School District.

HR 991 (by Hope), Honoring Bill Gaines of Montgomery on his retirement from the Texas Department of Criminal Justice.

HR 992 (by Hope), Congratulating the Montgomery County Performing Arts Society on its 25th anniversary.

HR 995 (by Baxter), Honoring Lisa Waller Rogers for receiving a Western Heritage Award for her book *The Great Storm: The Hurricane Diary of J.T. King*.

HR 1015 (by Hunter), Congratulating George Newman on his recent selection as Taylor County judge.

HR 1017 (by Pitts), Congratulating Michelle Carter of Red Oak High School on setting a new high school outdoor national record in the shot put.

HR 1019 (by Pitts), Congratulating Phil Hatlen on receiving the Distinguished Service Award from the Council for Exceptional Children's Division on Visual Impairments.

HR 1021 (by Christian), Honoring Charles Gee of Jasper for his many years of service to the State of Texas.

The resolutions were adopted without objection.

(Guillen now present)

(Speaker pro tempore in the chair)

BILLS ADDED TO LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

On motion of Representative Reyna and by unanimous consent, **HB 1251**, **HB 1628**, **HB 1826**, **HB 2677**, **HB 2930**, and **HB 2951** were added to the local, consent, and resolutions calendar taken up today that was set for Tuesday, May 13.

The motion prevailed without objection.

HR 1161 - ADOPTED (by Geren)

Representative Geren moved to suspend all necessary rules to take up and consider at this time **HR 1161**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1161, Honoring Jenkins and Virginia Garrett for winning the 2003 Award for Excellence in Preserving History from the Texas Historical Commission.

HR 1161 was adopted without objection.

INTRODUCTION OF GUESTS

The chair recognized Representative Geren who introduced Jenkins and Virginia Garrett.

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

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

CSHB 3157 (by Bonnen), A bill to be entitled An Act relating to the regulation of the disposal of solid waste.

CSHB 2819 (by Driver and Reyna), A bill to be entitled An Act relating to the confidentiality of certain home address information held by a tax appraisal district.

CSHB 124 (by Burnam), A bill to be entitled An Act relating to property insurance coverage for certain jewelry.

HB 145 (by Solomons), A bill to be entitled An Act relating to workers' compensation dispute resolution.

Amendment No. 1

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

Amend **HB 145** as follows:

On page 2, line 5, strike "and any other remedy provided by law.".

Amendment No. 1 was adopted without objection.

CSHB 404 (by Madden and Gattis), A bill to be entitled An Act relating to the participation of a judge at a political party convention.

CSHB 445 (by Talton), A bill to be entitled An Act relating to the filing of a recusal motion in a proceeding involving a temporary guardianship.

CSHB 461 (by Gallego), A bill to be entitled An Act relating to the assignment of certain retired or former judges as visiting judges.

CSHB 650 (by Campbell), A bill to be entitled An Act relating to the expiration or reduction in value of a gift certificate.

CSHB 923 (by Eiland), A bill to be entitled An Act relating to special license plates to aid the recovery, rehabilitation, and release of stranded marine mammals.

CSHB 926 (by Eiland), A bill to be entitled An Act relating to special license plates benefiting the State of Texas Anniversary Remembrance (STAR) Day Foundation.

HB 1114 (by J. Moreno), A bill to be entitled An Act relating to the criminal offense of selling an alcoholic beverage to certain persons.

CSHB 1230 (by Elkins), A bill to be entitled An Act relating to risk management services for employees of community supervision and corrections departments.

HB 1432 (by Dukes), A bill to be entitled An Act relating to the inspection of newly installed manufactured housing.

CSHB 1465 (by Hartnett), A bill to be entitled An Act relating to a hearing on certain unclaimed property determinations.

CSHB 1497 (by Dutton), A bill to be entitled An Act relating to the adoption of an adult.

CSHB 1504 (by Rose), A bill to be entitled An Act relating to notification provided by physicians to students and parents or guardians of students who participate in extracurricular sports activities sponsored or sanctioned by the University Interscholastic League.

Amendment No. 1

Representative Rose offered the following amendment to **CSHB 1504**:

Amend **CSHB 1504** (House Committee Printing) as follows:

(1) On page 1, lines 9 and 10, strike "PHYSICIAN CONCERNING CERTAIN INJURIES" and substitute "CERTAIN HEALTH CARE PROFESSIONALS CONCERNING INJURIES RESULTING FROM HEAD TRAUMA".

(2) On page 1, line 10, between "physician" and "who", insert ", physician's assistant, nurse practitioner, or chiropractor".

(3) On page 1, line 15, strike "and".

(4) On page 1, line 16, between the comma and "that", insert "and the University Interscholastic League,".

(5) On page 1, line 21, between "physician" and "who", insert ", physician's assistant, nurse practitioner, or chiropractor".

Amendment No. 1 was adopted without objection.

(Wolens now present)

HB 1525 (by Thompson), A bill to be entitled An Act relating to certain small face amount life insurance policies.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Eiland, Representative Thompson offered the following committee amendment to **HB 1525**:

Amend **HB 1525** as follows:

(1) on page 2 by striking lines 12 through 18 and substituting the following:

"Sec 1101.203. DISCLOSURE REQUIREMENTS. (a) An insurer subject to this subchapter shall provide disclosure if at any point in time over the term of the policy the cumulative premiums paid may exceed the face amount of the policy at that point in time. The required disclosure shall be provided to the policy owner or certificate holder no later than at the time the policy or certificate is delivered. The disclosure shall not be attached to the policy, but may be delivered with the policy."; and,

(2) on page 2 by deleting Subsection (c) on lines 26 and 27.

Amendment No. 1 was adopted without objection.

CSHB 1660 (by Flores), A bill to be entitled An Act relating to a report to the legislature regarding the installation and operation of video camera surveillance systems in county jails.

CSHB 1777 (by Dawson), A bill to be entitled An Act relating to allowing a political subdivision other than a county to change the date of its general election.

CSHB 1823 (by Hamric), A bill to be entitled An Act relating to financial assurance for certain solid waste processing facilities.

HB 1828 (by Farabee), A bill to be entitled An Act relating to the name and use of the graffiti eradication fund.

CSHB 1905 (by Farrar), A bill to be entitled An Act relating to the records management and preservation fee collected by a district clerk.

CSHB 1913 (by Phillips), A bill to be entitled An Act relating to the issuance of Smile Texas Style license plates to benefit the Texas Dental Association Financial Services.

CSHB 1930 (by Capelo), A bill to be entitled An Act relating to certain fees and administrative penalties applicable to emergency medical services providers.

HB 2005 (by J. Moreno), A bill to be entitled An Act relating to the requirements for certain alcoholic beverage licenses and permits.

CSHB 2075 (by Hilderbran), A bill to be entitled An Act relating to regulating health and safety conditions at youth camps.

CSHB 2095 (by R. Cook), A bill to be entitled An Act relating to provision of workers' compensation insurance coverage through a certified self-insurance group; providing penalties.

CSHB 2117 (by F. Brown), A bill to be entitled An Act relating to protecting students and employees at an institution of higher education from threatened acts of violence.

CSHB 2180 (by Baxter), A bill to be entitled An Act relating to the computation of charges assessed against a tenant in certain commercial leases.

Representative Baxter moved to postpone consideration of **CSHB 2180** until the end of the local and consent calendar.

The motion prevailed without objection.

CSHB 2198 (by Solomons), A bill to be entitled An Act relating to the certification of maximum medical improvement and the impairment rating assigned to an employee in a claim for workers' compensation benefits.

HB 2255 (by Flores), A bill to be entitled An Act relating to the payment of deferred taxes on certain agricultural land.

HB 2323 (by McReynolds), A bill to be entitled An Act relating to the transfer of certain suits regarding workers' compensation claims.

CSHB 2424 (by McCall), A bill to be entitled An Act relating to technical changes to taxes and fees administered by the comptroller; providing penalties.

CSHB 2428 (by F. Brown), A bill to be entitled An Act relating to education requirements for vocational nurses.

HB 2444 (by West), A bill to be entitled An Act relating to certain purchases by the Railroad Commission of Texas.

CSHB 2540 (by Menendez), A bill to be entitled An Act relating to granting a defense base development authority the power of eminent domain.

HB 2544 (by Bonnen), A bill to be entitled An Act relating to certain requirements imposed on a sex offender who enters the premises of a school.

CSHB 2562 (by Rose), A bill to be entitled An Act relating to persons eligible for burial in the State Cemetery. (Heflin and Madden recorded voting no)

HB 2579 (by Goolsby), A bill to be entitled An Act relating to the extended hours of sale for mixed beverages and beer in certain counties. (Berman, Bohac, B. Brown, B. Cook, Crabb, Flynn, Howard, D. Jones, Phillips, Riddle, and Van Arsdale recorded voting no)

CSHB 2599 (by Stick), A bill to be entitled An Act relating to the creation of an appellate judicial system for the Third Court of Appeals District.

SB 1895 (Coleman - House Sponsor), in lieu of **HB 2608**, A bill to be entitled An Act relating to the duration of a lease for municipal civic center property.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Menendez, Representative Coleman offered the following committee amendment to **SB 1895**:

Amend **SB 1895** in SECTION 1 of the bill (engrossed version page 1, line 8), by striking "1.9" and substituting "1".

Amendment No. 1 was adopted without objection.

Representative Coleman moved to lay **HB 2608** on the table subject to call.

The motion prevailed without objection.

HB 2702 (by J. Keffer), A bill to be entitled An Act relating to immunization programs.

CSHB 2751 (by Hegar), A bill to be entitled An Act relating to changes in driving safety courses conducted through the Internet.

CSHB 2801 (by Giddings), A bill to be entitled An Act relating to urban land bank demonstration programs.

Amendment No. 1

On behalf of Representatives Giddings and Talton, Representative Reyna offered the following amendment to **HB 2801**:

Amend **HB 2801** in the following manner:

Amend SECTION 1 by inserting after the word "plan" on Page 9, Line 17, the following:

"and must comply with the restrictions set forth in subsections (b), (c), and (d)".

Amendment No. 1 was adopted without objection.

HB 2844 (by Casteel), A bill to be entitled An Act relating to the exemption from the requirement that a person register as a property tax consultant to perform certain property tax consulting services.

CSHB 2856 (by Farrar), A bill to be entitled An Act relating to certain fees collected by a domestic relations office.

CSHB 2915 (by Wise), A bill to be entitled An Act relating to the nonprofit organizations qualified to finance certain guaranteed student loans.

CSHB 2923 (by Marchant), A bill to be entitled An Act relating to jury service.

CSHB 3009 (by Capelo), A bill to be entitled An Act relating to certain advance directives for medical treatment and medical treatment decisions.

CSHB 3035 (by R. Cook), A bill to be entitled An Act relating to the power of groundwater conservation districts to regulate the spacing of water wells and the production of groundwater.

HB 3062 was withdrawn.

HB 3103 (by Garza), A bill to be entitled An Act relating to re-codification issues and the deletion of outdated statutes.

CSHB 3139 (by Wilson), A bill to be entitled An Act relating to delivery sales of cigarettes; providing penalties.

CSHB 3167 (by Goolsby, et al.), A bill to be entitled An Act relating to filing fees for certain types of actions.

Amendment No. 1

Representative Goolsby offered the following amendment to **CSHB 3167**:

Amend **CSHB 3167** as follows:

(1) On page 1, strike lines 11-13 and substitute the following:

(1) except as provided by Subsection (b-1), for filing a suit, including an appeal from an inferior court [~~and for filing a petition for preconviction writ of habeas corpus~~] \$50 [~~\$45~~]

(2) On page 2, strike lines 9-11 and substitute the following:

SECTION 2. This Act takes effect September 1, 2003. Section 51.317(b), Government Code, as amended by this Act, and Section 51.317(b-1), Government Code, as added by this Act, apply only to a fee that becomes due on or after September 1, 2003.

Amendment No. 1 was adopted without objection.

CSHB 3209 (by Heflin, Hunter, Puente, Giddings, and Wise), A bill to be entitled An Act relating to the amount of financial assistance a student may receive under the TEXAS grant and tuition equalization grant programs.

CSHB 3264 (by Hunter), A bill to be entitled An Act relating to the prevention of childhood lead poisoning.

HB 3308 (by Capelo), A bill to be entitled An Act relating to the payment of wages through a direct deposit plan.

HB 3552 (by Gallego, P. Moreno, Luna, Solis, Chavez, et al.), A bill to be entitled An Act relating to naming the school of pharmacy at Texas A&M University-Kingsville after Irma Rangel.

CSHB 3565 (by Keel), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Lazy Nine Municipal Utility District.

CSHB 3567 (by R. Cook), A bill to be entitled An Act relating to the number and method of electing directors of the Coastal Bend Groundwater Conservation District.

CSHB 3573 (by J. Davis), A bill to be entitled An Act relating to the creation of the Baybrook Management District; providing the authority to impose taxes and issue bonds.

HB 3583 (by Goodman and T. Smith), A bill to be entitled An Act relating to the creation of the Great Southwest Improvement District; providing authority to impose a tax and issue bonds.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Lewis, Representative Goodman offered the following committee amendment to **HB 3583**:

Amend **HB 3583** as follows:

(1) On page 38, line 10, strike "Code, or" and substitute "Code, of a telecommunications provider as defined by Section 51.002, Utilities Code, or".

(2) On pages 39-40, strike SECTION 25(a) of the bill and substitute the following:

(a) The initial board consists of the following persons:

Pos. No.	Name of Director
1	Jeff Williams
2	Jerry Jordan
3	Dirk Taylor
4	Kevin Santaularia
5	Mark Skinner
6	Bennett Carter
7	Knute Klinggen
8	Ken McCall
9	Dennis Brown

Amendment No. 1 was adopted without objection.

HB 3584 (by Swinford), A bill to be entitled An Act relating to the Moore County Juvenile Board.

SB 1887 (Nixon - House Sponsor), in lieu of **HB 3585**, A bill to be entitled An Act relating to the board of directors and the powers and duties of the Westchase Area Management District.

Representative Wong moved to lay **HB 3585** on the table subject to call.

The motion prevailed without objection.

HB 3612 (by R. Cook), A bill to be entitled An Act relating to the creation, administration, powers, duties, operation, and financing of the Garfield Municipal Utility District No. 1.

HCR 89 (by Krusee), Designating Hutto as the official Hippo Capital of Texas.

HCR 90 (by Eissler), Memorializing Congress to expand the medical savings account program to allow states to design such programs for their employees.

HCR 92 (by Quintanilla and Haggerty), Designating the sopaipilla as the official State Pastry of Texas.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Hilderbran, Representative Quintanilla offered the following committee amendment to **HCR 92**:

Amend **HCR 92** as follows:

(1) On page 2, line 21, between "Texas" and the period insert "until January 31, 2005"

Amendment No. 1 was adopted without objection.

Amendment No. 2

On behalf of Representative Casteel, Representative Quintanilla offered the following amendment to **HCR 92**:

Amend **HCR 92** as follows:

(1) On page 1, line 10, strike "sopaipilla is one of the" and substitute "sopaipilla and strudel are some of the".

(2) On page 1, line 12, between "sopaipilla" and "is", insert "and strudel".

(3) On page 2, line 9, strike "sopaipilla is" and substitute "sopaipilla and strudel are".

(4) On page 2, line 11, strike "this versatile food" and substitute "the sopaipilla".

(5) On page 2, line 14, strike "sopaipilla stands" and substitute "sopaipilla and strudel stand".

(6) On page 2, line 14, strike "sopaipilla constitutes" and substitute "sopaipilla and strudel constitute".

(7) On page 2, line 20, strike "designate the sopaipilla as the official State Pastry" and substitute "designates the sopaipilla and the strudel as the official State Pastries".

Amendment No. 2 was adopted without objection.

HCR 125 (by J. Jones), Directing the Texas Department on Aging to lead a partnership of state agencies in support of a web, print, and phone-based information system for older Texans.

HCR 171 (by Telford, Hughes, Merritt, and B. Keffer), Designating Caddo Lake as the First Lake of Texas.

SB 84 (Baxter - House Sponsor), A bill to be entitled An Act relating to the prompt production of public information under the public information law.

SB 139 (Oliveira - House Sponsor), A bill to be entitled An Act relating to designation of the structure between Port Isabel and Padre Island as the Queen Isabella Memorial Bridge.

SB 153 (Capelo - House Sponsor), A bill to be entitled An Act relating to the name, composition, and continuation of the work group created for implementation of the voucher payment program for certain persons with disabilities.

SB 174 (Madden - House Sponsor), A bill to be entitled An Act relating to the confidentiality of information in an application for a marriage license.

CSSB 197 (Howard - House Sponsor), A bill to be entitled An Act relating to the challenge of a voter's registration.

SB 233 (Hupp - House Sponsor), A bill to be entitled An Act relating to the designation of a portion of State Highway 195 as the Phantom Warriors Highway.

SB 255 (Solis - House Sponsor), A bill to be entitled An Act relating to compensatory time off for certain communications service employees of the Department of Public Safety of the State of Texas.

SB 273 (Dunnam and Hartnett - House Sponsors), A bill to be entitled An Act relating to the continuation and functions of the Court Reporters Certification Board; providing an administrative penalty.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative Corte, Representative Dunnam offered the following committee amendment to **SB 273**:

Amend **SB 273** (engrossed version) by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION __. Section 52.021(i), Government Code, is amended to read as follows:

(i) Rules applicable to a court reporter are also applicable to a court reporting firm. The board may enforce this subsection by assessing a reasonable fee against a court reporting firm. This subsection does not apply to court reporting services performed outside of this state by a foreign shorthand reporter

who is not certified in this state for use in a court proceeding in this state, provided that the work resulting from those services is produced and billed wholly outside of this state.

Amendment No. 1 was adopted without objection.

CSSB 532 (Ritter - House Sponsor), A bill to be entitled An Act relating to the acceptance of a referral fee or gift by certain judges; providing a criminal penalty.

SB 540 (Eissler - House Sponsor), A bill to be entitled An Act relating to the authority of the commissioners court of a county to alter speed limits on county roads.

CSSB 542 (Howard - House Sponsor), A bill to be entitled An Act relating to exclusion of land from certain water districts for failure to provide facilities and services.

SB 653 (Baxter - House Sponsor), A bill to be entitled An Act relating to the charges that may be imposed under the public information law for providing a copy of public information.

SB 656 (Truitt - House Sponsor), A bill to be entitled An Act relating to the removal of certain on-premise signs in a municipality.

Amendment No. 1

Representatives Truitt, Talton, and Martinez Fischer offered the following amendment to **SB 656**:

Amend **SB 656** as follows:

(1) On Page 2, line 4, insert the following SECTION and renumber the subsequent SECTION accordingly:

SECTION 2. Section 216.010, Local Government Code, is amended by amending Subsection (b) to read as follows:

Section 216.010(b). If any [⌘] sign is required to be relocated or reconstructed, or an on-premise sign is required to be removed, the municipality, acting pursuant to the Property Redevelopment and Tax Abatement Act (Chapter 312, Tax Code), may abate municipal property taxes that otherwise would be owed by the owner of the sign. The abated taxes may be on any real or personal property owned by the owner of the sign except residential property. The right to the abatement of taxes is assignable by the holder, and the assignee may use the right to abatement with respect to taxes on any nonresidential property in the same taxing jurisdiction. In a municipality where tax abatement is used to pay compensable costs, the costs include reasonable interest and the abatement period may not exceed five years.

Amendment No. 1 was adopted without objection.

SB 693 (Eiland - House Sponsor), A bill to be entitled An Act relating to the use of flame effects and pyrotechnics before an assembly; providing a penalty.

SB 733 (Farabee - House Sponsor), A bill to be entitled An Act relating to the purchase by certain local governments of an item from a local vendor.

SB 735 (Flynn - House Sponsor), A bill to be entitled An Act relating to local government officials serving on state boards.

SB 903 was previously passed.

SB 912 (Naishtat - House Sponsor), A bill to be entitled An Act relating to surplus and salvage computer equipment.

SB 922 (Goodman - House Sponsor), A bill to be entitled An Act relating to the appointments and duties of Tarrant County criminal magistrates.

SB 935 (W. Smith - House Sponsor), A bill to be entitled An Act relating to fraternal organizations that are exempt from certain requirements of the Alcoholic Beverage Code.

CSSB 957 (Noriega - House Sponsor), A bill to be entitled An Act relating to emergency medication kits maintained for a veterans home.

SB 1035 (Callegari - House Sponsor), A bill to be entitled An Act relating to the general powers and authority of the West Harris County Regional Water Authority.

SB 1087 (Marchant - House Sponsor), A bill to be entitled An Act relating to the appointment of notaries public.

SB 1090 (Geren - House Sponsor), A bill to be entitled An Act relating to inspection, installation, repair, and maintenance of elevators, escalators, chairlifts, people movers, moving sidewalks, platform lifts, and related equipment; providing an administrative penalty.

SB 1280 (King - House Sponsor), A bill to be entitled An Act relating to the regulation of certain successors of electric cooperatives.

CSSB 1380 (Driver and Flores - House Sponsors), A bill to be entitled An Act relating to alcoholic beverage industry sponsorship at public entertainment facilities.

Amendment No. 1

On behalf of Representative Reyna, Representative Driver offered the following amendment to **CSSB 1380**:

Amend **CSSB 1380** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill appropriately:

SECTION _____. Chapter 105, Alcoholic Beverage Code, is amended by adding Section 105.07 to read as follows:

Sec. 105.07 HOURS OF SALE AND CONSUMPTION: SPORTS VENUE. (a) In this section, "sports venue" means a public entertainment facility property, as defined by Section 108.73, that is primarily designed and used for live sporting events.

(b) Notwithstanding any other provision of this code, in addition to any other period during which the sale and consumption of alcohol is authorized under this code:

(1) a licensed or permitted premises located in a sports venue may sell alcoholic beverage between 10 a.m. and noon;

(2) a licensed or permitted premises located in a public entertainment facility that has provisions for overnight camping may allow a person to bring an alcoholic beverage onto the premises, consume the beverage on the premises and remove the beverage for the premises; and

(3) a person may consume alcoholic beverages at a sports venue between 10 a.m. and noon.

Amendment No. 1 was adopted without objection.

SB 1532 was previously passed.

SB 1549 (Naishtat - House Sponsor), A bill to be entitled An Act relating to requiring that certain individuals who provide nursing services in a nursing institution receive annual training in caring for people with dementia.

SB 1714 (Mercer - House Sponsor), A bill to be entitled An Act relating to the designation of Farm-to-Market Road 1535 between Fort Sam Houston and Camp Bullis as the Second Indian Head Division Memorial Highway.

SB 1726 (Van Arsdale - House Sponsor), A bill to be entitled An Act relating to the creation of the Cy-Fair Community Improvement District; providing authority to impose a tax and issue bonds.

Amendment No. 1 (Committee Amendment No. 2)

On behalf of Representative Talton, Representative Van Arsdale offered the following committee amendment to **SB 1726**:

Amend **SB 1726** as follows:

(1) On page 6, between lines 21 and 22, add a new SECTION 14 and renumber the remaining sections of the bill as appropriate:

SECTION 14. DISTRICT CONFIRMATION ELECTION. (a) As soon as practicable after all initial directors have qualified for office, the initial directors shall hold an organizational meeting and call a confirmation election to be held on the uniform election date occurring in November 2003.

(b) The confirmation election shall be called and held in the manner provided by Subchapter D, Chapter 49, Water Code. The costs of holding the election shall be paid by the county but if the district is confirmed, the district shall reimburse the county for the costs of the election.

(c) The initial directors shall adopt the wording of the ballot proposition which must clearly and completely explain:

(1) whether the district may:

(A) impose taxes or fees, including an explanation of the nature of those taxes or fees;

(B) exercise the power of eminent domain;

(C) issue bonds; and

(2) the powers and duties of the district.

(d) Before the district is confirmed at the election, the district may carry on any business as the board may determine except that the district may not borrow money or impose or assess a tax or an assessment.

(2) In SECTION 25 of the bill, on page 13, line 1, between "may" and "submit" insert "not".

(3) In SECTION 29 of the bill, on page 15, between lines 2 and 3, add new Subsections (c) and (d) to read as follows:

(c) The district may not enter into or renew a contract with a business entity in which a director of the board has a substantial interest, as defined by Section 171.002, Local Government Code.

(d) A director commits an offense if the director authorizes, or allows an employee of the district to authorize, entering or renewing a contract in violation of Subsection (c). An offense under this subsection is a Class A misdemeanor.

Amendment No. 1 was adopted without objection.

Amendment No. 2 (Committee Amendment No. 1)

On behalf of Representative Talton, Representative Van Arsdale offered the following committee amendment to **SB 1726**:

Amend **SB 1726** as follows:

(1) In SECTION 4 of the bill (page 2, lines 22-23) strike "by a public utility as defined by Section 11.004, Utilities Code" and substitute "by an electric utility as defined by Section 31.002, Utilities Code, a gas utility as defined by Section 101.003 or 121.001, Utilities Code, a telecommunications provider as defined by Section 51.002, Utilities Code, or a cable operator as defined by 47 U.S.C. Section 522, and its subsequent amendments".

(2) In SECTION 24 of the bill (page 12, lines 19-21) strike Subsection (b) and substitute the following:

(b) The district may not impose an impact fee on property, including equipment or facilities, of an electric utility as defined by Section 31.002, Utilities Code, a gas utility as defined by Section 101.003 or 121.001, Utilities Code, a telecommunications provider as defined by Section 51.002, Utilities Code, or a cable operator as defined by 47 U.S.C. Section 522, and its subsequent amendments.

Amendment No. 2 was adopted without objection.

SCR 12 (Morrison - House Sponsor), Urging public and private institutions of higher education in the State of Texas to adopt service learning as an important pedagogical tool and a central form of engagement, civic outreach, and citizenship education.

SCR 26 (Krusee - House Sponsor), Designating Round Rock as the official Daffodil Capital of Texas.

CSHB 1251 (by Hope, et al.), A bill to be entitled An Act relating to calling an election to dissolve the Montgomery County Hospital District.

CSHB 1628 (by J. Keffer), A bill to be entitled An Act relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water districts.

Representative J. Keffer moved to postpone consideration of **CSHB 1628** until the end of the local and consent calendar.

The motion prevailed without objection.

HB 1826 (by Hamric), A bill to be entitled An Act relating to enforcement of the collection of certain tolls; providing a penalty.

CSHB 2677 (by Krusee), A bill to be entitled An Act relating to the regulation of motor vehicle sales and the powers and duties of the Motor Vehicle Board of the Texas Department of Transportation.

Amendment No. 1

On behalf of Representative Reyna, Representative Krusee offered the following amendment to **CSHB 2677**:

Amend **CSHB 2677** by adding the following SECTION to the bill, appropriately numbered, and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter F, Chapter 502, Transportation Code, is amended by adding Section 502.2737 to read as follows:

Sec. 502.2737. TEXAS MASTER GARDENER LICENSE PLATES. (a) The department shall issue specially designed license plates for passenger cars and light trucks that include the seal of the Texas Master Gardener program of Texas Cooperative Extension.

(b) The department shall issue license plates under this section to a person who:

(1) applies to the assessor-collector of the county in which the person resides on a form provided by the department; and

(2) pays an annual fee of \$30, in addition to the fee prescribed by Section 502.161 or 502.162 and, if personalized prestige license plates are issued, in addition to the fee prescribed by Section 502.251.

(c) Of each fee collected under Subsection (b)(2), \$8 shall be used by the department only to defray the cost of administering this section. The department shall deposit the remainder of each fee collected to the credit of an account in the general revenue fund that may be appropriated only to Texas Cooperative Extension for graduate student assistantships within the Texas Master Gardener program and to support Texas Cooperative Extension's activities related to the Texas Master Gardener program.

(d) If the owner of a vehicle for which license plates were issued under this section disposes of the vehicle during a registration year, the owner shall return the special license plates to the department.

(b) This section takes effect September 1, 2003.

Amendment No. 1 was adopted without objection.

CSHB 2930 (by Lewis), A bill to be entitled An Act relating to the confidentiality of and access to certain personal information contained in instruments recorded with a county clerk.

HB 2951 (by Hope), A bill to be entitled An Act relating to regulation of spacing and production of groundwater from aquifers by a groundwater conservation district.

Amendment No. 1 (Committee Amendment No. 1)

On behalf of Representative R. Cook, Representative Hope offered the following committee amendment to **HB 2951**:

Amend **HB 2951** as follows:

(1) In SECTION 1, page 1, lines 12-13, of the bill amend proposed section 36.116(d)(1), Water Code, to read as follows:

(1) each aquifer, subdivision of an aquifer, or geologic strata, located in whole or in part within boundaries of the district; or

Amendment No. 1 was adopted without objection.

CSHB 2180 (by Baxter), A bill to be entitled An Act relating to the computation of charges assessed against a tenant in certain commercial leases.

SB 898 (J. Keffer - House Sponsor), in lieu of **CSHB 1628**, A bill to be entitled An Act relating to the applicability of provisions concerning bond approval by the Texas Commission on Environmental Quality to certain water districts.

Representative J. Keffer moved to lay **CSHB 1628** on the table subject to call.

The motion prevailed without objection.

HR 1181 - ADOPTED
(by T. Smith)

Representative T. Smith moved to suspend all necessary rules to take up and consider at this time **HR 1181**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1181, Honoring Robert A. Caro for his literary achievements.

HR 1181 was adopted without objection.

On motion of Representatives McReynolds and J. Davis, the names of all the members of the house were added to **HR 1181** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative T. Smith who introduced Robert A. Caro and his wife Ina. Mr. Caro briefly addressed the house.

HB 2579 - VOTE RECONSIDERED

Representative Riddle moved to reconsider the vote by which **HB 2579** was passed to engrossment.

The motion to reconsider was lost.

RULES SUSPENDED

Representative Reyna moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar.

The motion prevailed without objection.

MOTION FOR ONE RECORD VOTE

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

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

The following bills which were considered on second reading on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 624): 142 Yeas, 1 Nay, 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; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; 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; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgenuth; Wolens; Wong; Woolley; Zedler.

Nays — Riddle.

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

Absent, Excused — Oliveira.

Absent — Escobar; Giddings; Moreno, P.; Smithee.

STATEMENTS OF VOTE

When Record No. 624 was taken, I was temporarily out of the house chamber. I would have voted yes.

Giddings

When Record No. 624 was taken, I was in the house, but my machine did not record my yes vote. I would have voted yes.

Smithee

HB 2819

HB 404

HB 1497

HB 1777

HB 1823

HB 2198

HB 2540

HB 2562 (Heflin and Madden - no) (140-3-2)

SB 1895

HB 2844

HB 2915

HB 3009

HB 3209

HB 3308

HB 3552

HB 3573

HB 3583

SB 1887

HB 3612

SB 84

SB 139

SB 540

SB 542

SB 735

SB 912

SB 957

SB 1035

SB 1714

SB 1726

SB 898

HB 2951

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

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

HB 3157

HB 124

HB 145

HB 445

HB 461

HB 650

HB 923

HB 926

HB 1114

HB 1230

HB 1432

HB 1465

HB 1504

HB 1525

HB 1660

HB 1828

HB 1905

HB 1913

HB 1930

HB 2005

HB 2075

HB 2095

HB 2117

HB 2180

HB 2255

HB 2323

HB 2424

HB 2428

HB 2444

HB 2544

HB 2579 (Berman, Bohac, B. Brown, B. Cook, Crabb, Flynn, Howard, D. Jones, Phillips, Riddle, and Van Arsdale - no)

HB 2599

HB 2702

HB 2751

HB 2801

HB 2856

HB 2923

HB 3035

HB 3103

HB 3139

HB 3167

HB 3264

HB 3565

HB 3567

HB 3584

SB 153

SB 174

SB 197

SB 233

SB 255

SB 273

SB 532

SB 653

SB 656

SB 693

SB 733

SB 922

SB 935

SB 1087

SB 1090

SB 1280

SB 1380

SB 1549

HB 1251

HB 1826

HB 2677

HB 2930

MOTION TO CONFORM CAPTIONS

Representative Reyna moved to conform the captions of the senate bills taken up in lieu of the house bills to the house bills' caption.

The motion prevailed without objection.

LEAVE OF ABSENCE GRANTED

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

Gutierrez on motion of Reyna.

HR 1209 - ADOPTED (by McClendon)

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

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1209, Congratulating Tim Duncan of the San Antonio Spurs on being named the National Basketball Association's 2003 Most Valuable Player.

HR 1209 was adopted without objection.

On motion of Representative Menendez, the names of all the members of the house were added to **HR 1209** as signers thereof.

HR 1127 - ADOPTED (by Hopson)

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 1127**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1127, Congratulating Mittie Mae Wiley Williams on her retirement from the Kennard Independent School District.

HR 1127 was adopted without objection.

HR 1210 - ADOPTED
(by Hopson)

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 1210**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1210, Honoring the life of Rick Watson of Jacksonville.

HR 1210 was unanimously adopted by a rising vote.

HR 1211 - ADOPTED
(by Hopson)

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 1211**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1211, Recognizing the Christopher family on the occasion of its 2003 reunion in Austin.

HR 1211 was adopted without objection.

HR 1212 - ADOPTED
(by Hopson)

Representative Hopson moved to suspend all necessary rules to take up and consider at this time **HR 1212**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1212, In memory of the Honorable Emmett H. Whitehead of Rusk.

HR 1212 was unanimously adopted by a rising vote.

HR 1186 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1186**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1186, Honoring the Reverend M. L. Jackson and Clara Belle Bennett Jackson on his 45th pastoral anniversary at Bethlehem Missionary Baptist Church in Houston.

HR 1186 was adopted without objection.

On motion of Representative Edwards, the names of all the members of the house were added to **HR 1186** as signers thereof.

HR 1187 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1187**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1187, Congratulating Lighthouse Missionary Baptist Church in Houston on its 10th anniversary.

HR 1187 was adopted without objection.

POSTPONED BUSINESS

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

HB 2150 ON THIRD READING
(by Denny, Howard, Marchant, Woolley, Hope, et al.)

HB 2150, A bill to be entitled An Act relating to the date on which the period for early voting by personal appearance begins.

HB 2150 was read third time on May 9, postponed until May 10, and was again postponed until 2 p.m., May 12.

Amendment No. 1

Representative Garza offered the following amendment to **HB 2150**:

Amend **HB 2150** on third reading as follows:

(1) On page 1, line 9, strike "[:" and substitute ":"

(2) On page 1, strike lines 10 through 12 and substitute the following:

(1) on the next regular business day if the authority ordering the election orders that early voting begins on the next business day; or

(2) on that Saturday, [or] Sunday, or legal state holiday [if early voting is ordered to be conducted on that day under Section 85.006].

(3) On page 1, between lines 12 and 13, insert the following SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION 3. Section 85.006(a), Election Code, is amended to read as follows:

(a) Notwithstanding any other provision of this section, if an authority holding an election does not order that early voting that would begin on a Saturday or Sunday under Section 85.001(a) begins on the next business day, early voting by personal appearance shall be conducted on two Saturdays and Sundays during the early voting period.

(a-1) Except as provided by Subsection (b), the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted on one or more Saturdays or Sundays during the early voting period.

(Speaker in the chair)

Representative Denny moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 625): 92 Yeas, 53 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Escobar; Farrar; Flores; Gallego; Garza; Guillen; Hochberg; Hodge; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Mercer; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Pickett; Puente; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gutierrez; Oliveira.

Absent — Giddings; Wolens.

STATEMENT OF VOTE

When Record No. 625 was taken, I was temporarily out of the house chamber. I would have voted no.

Giddings

A record vote was requested.

HB 2150 was passed by (Record 626): 85 Yeas, 58 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty;

Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; Wong; Woolley; Zedler.

Nays — Alonzo; Bailey; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Ellis; Escobar; Farabee; Farrar; Flores; Gallego; Garza; Guillen; Hochberg; Hodge; Homer; Hopson; Jones, D.; Jones, J.; Laney; Lewis; Luna; Mabry; Martinez Fischer; McClendon; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Turner; Uresti; Villarreal; Wilson; Wise.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Gutierrez; Oliveira.

Absent — Giddings; West; Wohlgemuth; Wolens.

STATEMENTS OF VOTE

When Record No. 626 was taken, I was temporarily out of the house chamber. I would have voted no.

Giddings

When Record No. 626 was taken, I was in the house but away from my desk. I would have voted yes.

West

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, Senate List Nos. 27, 28, 30, and 31).

SB 486 ON SECOND READING (Capelo - House Sponsor)

SB 486, A bill to be entitled An Act relating to immunization of children.

SB 486 was read second time on May 9 and was postponed until 11 a.m., May 13.

SB 486 was passed to third reading.

HB 1926 - LAID ON THE TABLE SUBJECT TO CALL

Representative Capelo moved to lay **HB 1926** on the table subject to call.

The motion prevailed without objection.

CSSB 501 ON SECOND READING
(Hupp - House Sponsor)

CSSB 501, A bill to be entitled An Act relating to the places where weapons are prohibited and to the application of criminal trespass laws to persons licensed to carry a concealed handgun.

CSSB 501 was read second time on May 10 and was postponed until 10 a.m. today.

CSSB 501 - POINT OF ORDER

Representative Rodriguez raised a point of order against further consideration of **CSSB 501** under Rule 4, Section 32(b)(10) and Rule 4, Section 18(b) of the House Rules on the grounds that a witness statement is incorrect.

The point of order was withdrawn.

Representative Hupp moved to postpone consideration of **CSSB 501** until 2 p.m. today.

The motion prevailed without objection.

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. 39).

MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING

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

(Giddings now present)

CSSB 275 ON SECOND READING
(Solomons and J. Keffer - House Sponsors)

CSSB 275, A bill to be entitled An Act relating to the abolition of the Texas Department of Economic Development and the transfer of certain of its functions and the functions of the Texas Aerospace Commission to the Texas Economic Development and Tourism Office; to the establishment, operation, and funding of the Texas Economic Development Bank; and to the administration and operation of certain economic development programs.

Amendment No. 1

Representative Solomons offered the following amendment to **CSSB 275**:

Amend **CSSB 275** by striking SECTION 1.09 of the bill (House committee printing, page 6, lines 11 through 17) and renumbering subsequent SECTIONS of the bill accordingly.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Solomons offered the following amendment to **CSSB 275**:

Amend **CSSB 275** (House committee printing) as follows:

(1) In SECTION 1.10 of the bill, in added Section 481.0066, Government Code (page 7, line 9), between "strategies" and "to promote" insert "as part of an industry-specific strategic plan".

(2) In SECTION 1.10 of the bill, in added Section 481.0066, Government Code (page 7, line 10), between "state" and the semicolon insert "that is consistent with and complementary of the office strategic plan".

(3) In SECTION 1.10 of the bill, in added Section 481.0066, Government Code (page 7, line 16), strike "and".

(4) In SECTION 1.10 of the bill, in added Section 481.0066, Government Code (page 7, line 19), between "matters" and the period insert the following: "; and

(7) be responsible for the promotion and development of spaceports in this state".

(5) In SECTION 1.10 of the bill, in added Section 481.0066, Government Code (page 7, between lines 19 and 20), insert the following:

(e) The governor shall appoint an aerospace and aviation advisory committee consisting of seven qualified members to assist in the state's economic development efforts to recruit and retain aerospace and aviation jobs and investment. The committee shall advise the governor on the recruitment and retention of aerospace and aviation jobs and investment. Members of the committee may not receive compensation for serving on the committee.

(6) Insert the following appropriately numbered SECTION between existing SECTIONS 1.11 and 1.12 (page 8, between lines 17 and 18) and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Subchapter A, Chapter 481, Government Code, is amended by adding Section 481.0069 to read as follows:

Sec. 481.0069. SPACEPORT TRUST FUND. (a) In this section:

(1) "Reusable launch vehicle" means a vehicle intended for repeated use that:

(A) is built to operate in or place a payload into space; or

(B) is a suborbital rocket.

(2) "Spaceport" has the meaning assigned by Section 4D(a), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), as added by Chapter 1537, Acts of the 76th Legislature, Regular Session, 1999.

(b) The spaceport trust fund is created as a trust fund outside the treasury with the comptroller and shall be administered by the office under this section and rules adopted by the office.

(c) The spaceport trust fund consists of money from:

(1) gifts, grants, or donations to the office for the development of spaceport infrastructure; and

(2) any other source designated by the legislature.

(d) Money in the trust fund may not be spent unless the office certifies to the comptroller that:

(1) a viable business entity has been established that:

(A) has a business plan that demonstrates that the entity has available the financial, managerial, and technical expertise and capability necessary to launch and land a reusable launch vehicle; and

(B) has committed to locating its facilities at a spaceport in this state;

(2) a development corporation for spaceport facilities created under Section 4D, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), as added by Chapter 1537, Acts of the 76th Legislature, Regular Session, 1999, has established a development plan for the spaceport project and has secured at least 90 percent of the funding required for the project; and

(3) the spaceport or launch operator has obtained the appropriate Federal Aviation Administration license.

(e) Money in the spaceport trust fund may be used only to pay expenditures for the development of infrastructure necessary or useful for establishing a spaceport. The office may contract with a development corporation for spaceport facilities for the infrastructure development.

(f) The office may invest, reinvest, and direct the investment of any available money in the spaceport trust fund. Money in the fund may be invested in the manner that state funds may be invested under Section 404.024.

(7) In SECTION 1.17 of the bill, in amended Section 481.021, Government Code (page 13, line 2), between "(3)" and "accept" insert "solicit and".

(8) Insert the following appropriately numbered SECTIONS between existing SECTIONS 1.62 and 1.63 (page 47, between lines 7 and 8) and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. The heading to Section 502.271, Transportation Code, is amended to read as follows:

Sec. 502.271. TEXAS AEROSPACE AND AVIATION [~~COMMISSION~~] LICENSE PLATES.

SECTION _____. Sections 502.271(a), (b), and (d), Transportation Code, are amended to read as follows:

(a) The department shall issue specially designed Texas Aerospace and Aviation [~~Commission~~] license plates for passenger cars and light trucks.

(b) The license plates must include the name "Texas Aerospace and Aviation [~~Commission~~]" and be of a color, quality, and design approved by the Texas Economic Development and Tourism Office [~~Aerospace Commission~~].

(d) Of each fee collected under this section, the department shall deposit \$25 under this section in [to the credit of] the general revenue fund to the credit of the Texas Economic Development and Tourism Office account, which may be used only to support the activities of the aerospace and aviation office established by the Texas Economic Development and Tourism Office, and \$5 to the credit of the state highway fund.

(9) In SECTION 1.68 of the bill (page 49, line 15), strike "and".

(10) In SECTION 1.68 of the bill (page 49, line 18), between "Tourism Office" and the period, insert the following:
; and

(3) all funds appropriated by the legislature to the Texas Aerospace Commission, including any funds appropriated to the Texas Aerospace Commission collected under Section 502.271, Transportation Code, are transferred to the Texas Economic Development and Tourism Office account

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Solomons offered the following amendment to **CSSB 275**:

Amend **CSSB 275** (House committee printing) as follows:

(1) In SECTION 1.25 of the bill, in added Section 481.0295, Government Code (page 19, line 14), after "organizations", insert "and key state agencies".

(2) In SECTION 1.25 of the bill, in added Section 481.0295, Government Code (page 20, line 9), between "organizations," and "local" insert "key state agencies".

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Solomons offered the following amendment to **CSSB 275**:

Amend **CSSB 275** (House committee printing) as follows:

(1) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 31, line 19), strike "sole" and substitute "primary".

(2) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 32, line 2), between "historical," and "natural", insert "cultural".

(3) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 32, line 14), between "(8)" and "enter", insert "not later than December 31, 2003".

(4) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 33, line 11), between "agency" and the semicolon, insert "that must include marketing, product development, and program development".

(5) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 33, line 22), strike "marketing plan" and substitute "tourism plan, including a marketing plan".

(6) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 33, line 25), between "agencies and" and "the office", insert "encouraged by".

(7) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 33, line 26), strike "and".

(8) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 34, between lines 3 and 4), insert the following:

"(C) is developed not later than September 1 of each year; and".

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Solomons offered the following amendment to **CSSB 275**:

Amend **CSSB 275** in SECTION 3.13 of the bill (House committee printing, page 82, line 21), between "Chapter 2303," and "is", by inserting "Government Code,".

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Puente offered the following amendment to **CSSB 275**:

Amend **CSSB 275** (House committee printing) as follows:

(1) In SECTION 1.08 of the bill (page 5, lines 18-19), strike "Sections 481.005(a), (c), and (d), Government Code, are amended" and substitute "Section 481.005, Government Code, is amended by amending Subsections (a), (c), and (d) and adding Subsection (e)".

(2) In SECTION 1.08 of the bill, immediately following amended Section 481.005(d), Government Code (page 6, between lines 10 and 11), insert the following:

(e) The executive director may work with a state agency or commission to make best efforts to advance the development of the state economy by assisting the agency or commission in conducting its commercial affairs in a manner that rewards a vendor with whom the agency or commission contracts for the vendor's degree of stimulation of the state economy.

(Swinford in the chair)

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Menendez offered the following amendment to **CSSB 275**:

Amend **CSSB 275** (House committee printing) as follows:

(1) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 32, line 18), strike "and".

(2) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 32, line 21), between "encouragement" and the period, insert the following:

": and

(10) promote the sports industry and related industries in this state, including promoting this state as a host for national and international amateur athletic competition and promoting sports or fitness programs for the residents of this state, if funds are appropriated for the promotion".

(3) In SECTION 1.41 of the bill, in amended Section 481.172, Government Code (page 34, between lines 5 and 6), insert the following:

"(c) The promotion of the sports industry and related industries under Subsection (a)(10) may include the establishment by the governor of a Texas Sports Commission composed of volunteers who are knowledgeable about or active in amateur sports."

Amendment No. 7 was adopted without objection.

(Baxter in the chair)

Amendment No. 8

Representative Hamric offered the following amendment to **CSSB 275**:

Amend **CSSB 275** in SECTION 1.41 of the bill, in amended Section 481.172, Government Code (House committee printing, page 34, between lines 5 and 6), by inserting the following:

(c) This section does not affect the authority of the State Preservation Board to conduct activities or make expenditures related to tourism or to promote the Bob Bullock Texas State History Museum.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative J. Keffer offered the following amendment to **CSSB 275**:

Amend **CSSB 275** (House committee printing) as follows:

(1) In SECTION 3.02 of the bill, in amended Section 2303.051, Government Code (page 70, line 20), strike "qualify for enterprise zone designation" and substitute "automatically qualify for designation as enterprise zones under this chapter".

(2) In SECTION 3.03 of the bill, in amended Section 2303.101, Government Code (page 73, lines 17 and 18), strike "To qualify for designation [be designated] as an enterprise zone, an area must" and substitute "An area automatically qualifies for designation [To be designated] as an enterprise zone if the [an] area is [must]".

(3) In SECTION 3.03 of the bill, in amended Section 2303.101, Government Code (page 73, line 19), strike "be".

(4) In SECTION 3.03 of the bill, in amended Section 2303.101, Government Code (page 73), strike lines 24 through 27 and substitute the following:

(2) an area designated by the federal government as a renewal community, a federal empowerment zone, or a federal enterprise community, including any developable area approved by the federal agency responsible for making that designation [be at least one square mile but not larger than the greater of:

(5) In SECTION 3.04 of the bill, in amended Section 2303.109, Government Code (page 75, lines 3 through 5), strike "as a federal enterprise zone, federal empowerment zone, federal renewal community, or federal enterprise community" and substitute "by the federal government as a renewal community, a [federal enterprise zone,] federal empowerment zone, or a federal enterprise community".

(6) In SECTION 3.11 of the bill, in amended Section 2303.403, Government Code (page 78, line 26), between "CERTIFICATION" and the period, insert "; LIMIT ON ENTERPRISE PROJECT DESIGNATIONS".

(7) In SECTION 3.11 of the bill, in amended Section 2303.403, Government Code (page 79, line 5), strike "businesses as" and substitute "~~[businesses as]~~".

(8) In SECTION 3.14 of the bill, in amended Section 2303.406, Government Code (page 86, line 22), between the comma and "which", insert "as described by Section 2303.101(2)".

(9) In SECTION 3.14 of the bill, in amended Section 2303.406, Government Code (page 87, lines 25 and 26), strike "qualified businesses that the bank [~~department~~] may designate as enterprise projects" and substitute "enterprise projects [~~qualified businesses~~] that the bank [~~department~~] may designate [~~as enterprise projects~~]".

(10) In SECTION 3.15 of the bill, in amended Section 2303.407, Government Code (page 89, line 18), strike "250" and substitute "500".

(11) In SECTION 3.16 of the bill, in amended Section 2303.407, Government Code (page 91, line 3), strike "250" and substitute "500".

(12) In SECTION 3.25 of the bill, in amended Section 2303.516, Government Code (page 96, line 9), between "project" and the comma, insert "or at the completion of the enterprise project designation period as indicated by the approved application".

(13) In SECTION 3.25 of the bill, in amended Section 2303.516, Government Code (page 96, line 10), strike "audit" and substitute "monitor".

(14) In SECTION 3.25 of the bill, in amended Section 2303.516, Government Code (page 96, lines 13 and 14), strike "certified copy of the audit" and substitute "report of its".

(15) In the introductory language in SECTION 3.37 of the bill (page 104, line 7), strike "Section 2310.110(e), Government Code, is" and substitute "Sections 2310.110(b) and (e), Government Code, are".

(16) In SECTION 3.37 of the bill, immediately before amended Section 2310.110(e), Government Code (page 104, between lines 8 and 9), insert the following:

(b) The amended boundary:

(1) must be continuous;

(2) may not exceed the original size requirement of Section 2310.101;

and

(3) may not exclude any qualified business designated as a defense readjustment project [~~area originally~~] included within the boundary of the zone as designated.

(17) In SECTION 3.42 of the bill, in amended Section 2310.303, Government Code (page 106, lines 10 and 11), strike "businesses in a single readjustment zone as defense readjustment projects" and substitute "defense readjustment projects [~~businesses~~] in a single readjustment zone [~~as defense readjustment projects~~]".

(18) In SECTION 3.44 of the bill, at the end of amended Section 2310.306, Government Code (page 109, between lines 4 and 5), insert the following:

(d) The bank may designate the same qualified business in a readjustment zone as more than one defense readjustment project.

(19) In SECTION 3.51 of the bill, in amended Section 151.429(b), Tax Code (page 113, line 3), strike "250" and substitute "500".

(20) In SECTION 3.52 of the bill, in amended Section 151.429(b), Tax Code (page 114, line 20), strike "250" and substitute "500".

(21) In ARTICLE 3 of the bill (page 123, between lines 22 and 23), insert the following:

SECTION 3.64. This Act does not affect the effective dates of Sections 2303.407, 2303.504(b) and (c), and 2310.404(b), Government Code, and Sections 151.429(a) and (b), Tax Code, as amended by Article 2, Chapter 1134, Acts of the 77th Legislature, Regular Session, 2001.

Amendment No. 9 was adopted without objection.

Amendment No. 10

Representative Seaman offered the following amendment to **CSSB 275**:

Amend **CSSB 275** on page 94, SECTION 3.22 by adding a new subsection (d) as follows:

(d) Notwithstanding and other provision in law this Section shall remain in full force and effect until December 31, 2009.

Amendment No. 10 was withdrawn.

Amendment No. 11

Representative J. Keffer offered the following amendment to **CSSB 275**:

Amend **CSSB 275** (House Committee Printing) as follows:

(1) In SECTION 3.53 of the bill, strike amended Section 151.429(e)(2), Tax Code (page 116, lines 3 through 5), and substitute the following:

(2) "Enterprise zone," "qualified employee," and "qualified hotel project" have the meanings assigned to those terms by Section 2303.003, Government Code.

(2) In SECTION 4.01 of the bill, in Subdivision (6) (page 124, line 9), strike ", (4), and (8)" and substitute "and (4)".

(3) In SECTION 4.01 of the bill, in Subdivision (6) (page 124, line 11), strike "2303.5055,".

Amendment No. 11 was adopted without objection.

Amendment No. 12

Representative Seaman offered the following amendment to **CSSB 275**:

Amend **CSSB 275** (House committee printing) as follows:

(1) In SECTION 3.53 of the bill, in added Section 151.429(j), Tax Code (page 117, line 10), between "2003," and "may", insert "other than an enterprise project for which the application for enterprise project designation was submitted in calendar year 2002,".

(2) In SECTION 3.63 of the bill (page 123, line 14), strike "The" and substitute "(a) Except as provided by Subsection (b) of this section, the".

(3) In SECTION 3.63 of the bill (page 123, between lines 22 and 23), insert the following:

(b) The changes in law made by this Act to Chapter 2303, Government Code, and Chapters 151 and 171, Tax Code, apply to an enterprise project approved by the Texas Economic Development Bank after September 1, 2003, for which the application for enterprise project designation was submitted in calendar year 2002.

Amendment No. 12 was withdrawn.

Amendment No. 13

On behalf of Representative J. Keffer, Representative Rodriguez offered the following amendment to **CSSB 275**:

Amend **CSSB 275** (House Committee Printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill appropriately:

SECTION _____. Section 481.408(d), Government Code, is amended to read as follows:

(d) On receipt of a certification made under Subsection (c) and subject to Section 481.409, the department shall deposit in the institution's reserve account for each capital access loan made by the institution:

(1) an amount equal to the amount deposited by the institution for each loan if the institution:

(A) has assets of more than \$1 billion; or

(B) has previously enrolled loans in the program that in the aggregate are more than \$2 million;

(2) an amount equal to 150 percent of the total amount deposited under Subsection (b) for each loan if the institution is not described by Subdivision (1); or

(3) notwithstanding Subdivisions (1) and (2), an amount equal to 200 percent of the total amount deposited under Subsection (b) for each loan if:

(A) the borrower is located in or financing a project, activity, or enterprise in an area designated as an enterprise zone under Chapter 2303; [or]

(B) the borrower is a small or medium-size business or a nonprofit organization that operates or proposes to operate a day-care center or a group day-care home, as those terms are defined by Section 42.002, Human Resources Code; or

(C) the participating financial institution is a community development financial institution, as that term is defined by 12 U.S.C. Section 4702, as amended.

SECTION _____. Section 481.409(b), Government Code, is amended to read as follows:

(b) The maximum amount the department may deposit into a reserve account for each capital access loan made under this subchapter is the lesser of \$35,000 or an amount equal to:

(1) eight percent of the loan amount if:

(A) the borrower is located in or financing a project, activity, or enterprise in an area designated as an enterprise zone under Chapter 2303; [or]

(B) the borrower is a small or medium-size business or a nonprofit organization that operates or proposes to operate a day-care center or a group day-care home, as those terms are defined by Section 42.002, Human Resources Code; or

(C) the participating financial institution is a community development financial institution, as that term is defined by 12 U.S.C. Section 4702, as amended; or (2) six percent of the loan amount for any other borrower.

Amendment No. 14

On behalf of Representative J. Keffer, Representative Rodriguez offered the following amendment to Amendment No. 13:

Amend Amendment No. 13 by J. Keffer to **CSSB 275** as follows:

On page 2, line 1 strike "[or]" and substitute it with "[~~or~~]".

On page 2, strike lines 6, 7, and 8 and substitute it with the following:
defined by Section 42.002, Human Resources Code; or

(C) the participating financial institution is a community development financial institution, as that term is defined by 12 U.S.C. Section 4702, as amended.

On page 2, line 17 strike "[or]" and substitute it with "[~~or~~]".

On page 2, strike lines 23, 24, and 25 and substitute the following:

(C) the participating financial institution is a community development financial institution, as that term is defined by 12 U.S.C. Section 4702, as amended; or

(2) six percent of the loan amount for any borrower.

Amendment No. 14 was adopted without objection.

Amendment No. 13, as amended, was adopted without objection.

Amendment No. 15

Representative J. Keffer offered the following amendment to **CSSB 275**:

Amend **CSSB 275** by adding the following appropriately numbered sections to the bill and renumbering subsequent sections accordingly:

SECTION _____. Subchapter B, Chapter 171, Tax Code, is amended by adding Section 171.088 to read as follows:

Sec. 171.088. EXEMPTION—BIOTECHNOLOGY CORPORATIONS. (a) In this section, "biotechnology research and development" means an activity that is described in category 541710 of the 2002 North American Industry Classification System and that is predominantly related to life sciences.

(b) A corporation engaged primarily in biotechnology research and development is exempted from the franchise tax.

SECTION _____. (a) Section 171.088, Tax Code, as added by this Act, takes effect January 1, 2006.

(b) Section 171.088, Tax Code, as added by this Act, does not affect taxes imposed before the effective date of that section, and the law in effect before the effective date of that section is continued in effect for the purposes of the liability for and collection of those taxes.

Amendment No. 15 was withdrawn.

Amendment No. 16

Representative Swinford offered the following amendment to **CSSB 275**:

Amend **CSSB 275** (House Committee Printing) by adding the following appropriately numbered ARTICLE and renumbering subsequent ARTICLES accordingly:

ARTICLE __. CERTAIN ECONOMIC DEVELOPMENT PROGRAMS
ADMINISTERED BY TEXAS ECONOMIC DEVELOPMENT AND
TOURISM OFFICE

SECTION __.01. Title 2, Agriculture Code, is amended by adding Chapter 16 to read as follows:

CHAPTER 16. FUEL ETHANOL AND BIODIESEL PRODUCTION
INCENTIVE PROGRAM

Sec. 16.001. DEFINITIONS. In this chapter:

(1) "Account" means the fuel ethanol and biodiesel production account.

(2) "ASTM" means the American Society for Testing and Materials.

(3) "Biodiesel" means a monoalkyl ester that:

(A) is derived from vegetable oils, rendered animal fats, or renewable lipids or a combination of those ingredients; and

(B) meets the requirements of ASTM PS 121, the provisional specification for biodiesel.

(4) "Fuel ethanol" means ethyl alcohol that:

(A) has a purity of at least 99 percent, exclusive of added denaturants;

(B) has been denatured in conformity with a method approved by the Bureau of Alcohol, Tobacco and Firearms of the United States Department of the Treasury;

(C) meets the requirements of ASTM D4806, the standard specification for ethanol used as a motor fuel; and

(D) is produced exclusively from agricultural products or by-products or municipal solid waste.

(5) "Office" means the Texas Economic Development and Tourism Office.

(6) "Producer" means a person who operates a fuel ethanol or biodiesel plant in this state.

Sec. 16.002. PLANT REGISTRATION. (a) To be eligible for a grant for fuel ethanol or biodiesel produced in a plant, a producer must apply to the office for the registration of the plant. A producer may apply for the registration of more than one plant.

(b) An application for the registration of a plant must show to the satisfaction of the office that:

(1) the plant is capable of producing fuel ethanol or biodiesel;

(2) the producer has made a substantial investment of resources in this state in connection with the plant; and

(3) the plant constitutes a permanent fixture in this state.

(c) The office, after consultation with the department, shall register each plant that qualifies under this section. The office shall notify the department of plants registered under this section.

Sec. 16.003. REPORTS. (a) On or before the fifth day of each month, a producer shall report to the office on:

(1) the number of gallons of fuel ethanol or biodiesel produced at each registered plant operated by the producer during the preceding month;

(2) the number of gallons of fuel ethanol or biodiesel imported into this state by the producer during the preceding month;

(3) the number of gallons of fuel ethanol or biodiesel sold or blended with motor fuels by the producer during the preceding month; and

(4) the total value of agricultural products consumed in each registered plant operated by the producer during the preceding month.

(b) A producer who fails to file a report as required by this section is ineligible to receive a grant for the period for which the report is not filed.

(c) The office shall send a copy of each report to the department.

Sec. 16.004. FUEL ETHANOL AND BIODIESEL PRODUCTION ACCOUNT. (a) The fuel ethanol and biodiesel production account is an account in the general revenue fund that may be appropriated only to the office for the purposes of this chapter, including the making of grants under this chapter.

(b) The account is composed of:

(1) fees collected under Section 16.005; and

(2) money transferred to the account under Subsection (c).

(c) The comptroller shall transfer from the undedicated portion of the general revenue fund to the account an amount of money equal to 5.25 times the amount of the fees collected under Section 16.005.

Sec. 16.005. FEE ON FUEL ETHANOL AND BIODIESEL PRODUCTION. (a) The office shall impose a fee on each producer in an amount equal to 3.2 cents for each gallon of fuel ethanol or biodiesel produced in each registered plant operated by the producer.

(b) For each fiscal year, the office may not impose fees on a producer for more than 18 million gallons of fuel ethanol or biodiesel produced at any one registered plant.

(c) The office shall transfer the fees collected under this section to the comptroller for deposit to the credit of the account.

(d) The office may not impose fees on a producer for fuel ethanol or biodiesel produced at a registered plant after the 10th anniversary of the date production from the plant begins.

(e) The office may enter into an interagency contract with the department authorizing the department to impose and collect fees on behalf of the office under this section.

Sec. 16.006. FUEL ETHANOL AND BIODIESEL GRANTS. (a) The office, after consultation with the department, shall make grants to producers as an incentive for the development of the fuel ethanol and biodiesel industry and agricultural production in this state.

(b) A producer is entitled to receive from the account 20 cents for each gallon of fuel ethanol or biodiesel produced in each registered plant operated by the producer until the 10th anniversary of the date production from the plant begins.

(c) For each fiscal year a producer may not receive grants for more than 18 million gallons of fuel ethanol or biodiesel produced at any one registered plant.

(d) The office by rule shall provide for the distribution of grant funds under this chapter to producers. The office shall make grants not less often than quarterly.

(e) If the office determines that the amount of money credited to the account is not sufficient to distribute the full amount of grant funds to eligible producers as provided by this chapter for a fiscal year, the office shall proportionately reduce the amount of each grant for each gallon of fuel ethanol or biodiesel produced as necessary to continue the incentive program during the remainder of the fiscal year.

SECTION __.02. Notwithstanding Section 16.004(c), Agriculture Code, as added by this Act, the comptroller may not make transfers from general revenue under that subsection during the fiscal biennium ending August 31, 2005.

Amendment No. 16 was adopted without objection.

Amendment No. 17

Representative Woolley offered the following amendment to **CSSB 275**:

Amend **CSSB 275** by adding the following appropriately numbered ARTICLE and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE __. SUPPORT FOR MAJOR SPORTS EVENTS

SECTION __.01. Section 1, Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (1), (2), (3), (5), (6), (7), and (8) and adding Subdivision (1-a) to read as follows:

(1) "Department" means the Texas Department of Economic Development or its successor.

(1-a) "Endorsing county" means an endorsing county for purposes of Section 5 or 5A of this Act.

(2) "Endorsing municipality" means an endorsing [a] municipality for purposes of Section 4, 5, or 5A of this Act [that has a population of 850,000 or more according to the most recent federal decennial census and that authorizes a bid by a local organizing committee for selection of the municipality as the site of the 2007 Pan American Games or the 2012 Olympic Games].

(3) "Games" means the [2007] Pan American Games, [e] the [2012] Olympic Games, the Super Bowl, the National Collegiate Athletic Association Final Four, the National Basketball Association All-Star Game, the National Hockey League All-Star Game, the Major League Baseball All-Star Game, the National Collegiate Athletic Association Bowl Championship Series Games, the World Cup Soccer Games, or the World Games. The term includes the events and activities related to the games.

(5) "Joinder agreement" means an agreement entered into by:

(A) the department on behalf of this state and a site selection organization setting out representations and assurances by the state in connection with the selection of a site in this state for the location of any of the games; or

(B) an endorsing municipality, an endorsing county, or more than one endorsing municipality or county acting collectively and a site selection organization setting out representations and assurances by each [the] endorsing municipality or county in connection with the selection of a site in this state for the location of any of the games.

(6) "Joinder undertaking" means an agreement entered into by:

(A) the department on behalf of this state and a site selection organization that the state will execute a joinder agreement in the event that the site selection organization selects a site in this state for any of the games; or

(B) an endorsing municipality, an endorsing county, or more than one endorsing municipality or county acting collectively and a site selection organization that each endorsing [the] municipality or county will execute a joinder agreement in the event that the site selection organization selects a site in this state for any of the games.

(7) "Local organizing committee" means a nonprofit corporation or its successor in interest that:

(A) has been authorized by an endorsing municipality, endorsing county, or more than one endorsing municipality or county acting collectively to pursue an application and bid on the applicant's behalf to a site selection organization for selection as the site of one or more [of the] games; or

(B) with the authorization of an endorsing municipality, endorsing county, or more that one endorsing municipality or county acting collectively, has executed an agreement with a site selection organization regarding a bid to host one or more [of the] games.

(8) "Site selection organization" means the United States Olympic Committee, the International Olympic Committee, ~~[or]~~ the Pan American Sports Organization, the National Football League, the National Collegiate Athletic Association, the National Basketball Association, the National Hockey League, Major League Baseball, Federation Internationale de Football Association (FIFA), or the International World Games Association.

SECTION __.02. Sections 2 and 3, Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 2. PURPOSE. The purpose of this Act is to provide assurances required by a site selection organization sponsoring one or more [the] games and to provide financing for the costs of:

(1) applying or bidding for selection as the site of the games in this state;

(2) making the preparations necessary and desirable for the conduct of the games in this state, including the construction or renovation of facilities; and

(3) conducting the games in this state.

Sec. 3. LEGISLATIVE FINDINGS. The conduct in this state of one or more games [the 2007 Pan American Games or the 2012 Olympic Games] will:

(1) provide invaluable public visibility throughout the nation or world for this state and the communities where the games are held;

(2) encourage and provide major economic benefits to the communities where the games are held and to the entire state; and

(3) provide opportunities for the creation of jobs by local and Texas businesses that pay a living wage.

SECTION __.03. Sections 4(a), (b), (d), (f), (i), and (l), Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) In this section:

(1) "Games" means the [2007] Pan American Games.

(2) "Site selection organization" means the United States Olympic Committee or the Pan American Sports Organization.

(3) "Endorsing municipality" means a municipality that has a population of 850,000 or more and that authorizes a bid by a local organizing committee for selection of the municipality as the site of the games.

(b) If a site selection organization selects a site for the games in this state pursuant to an application by a local organizing committee acting on behalf of an endorsing municipality, after the first occurrence of a measurable economic impact in this state as a result of the preparation for the games, as determined by the comptroller, but in no event later than one year before the scheduled opening event of the games, the comptroller shall determine for each subsequent calendar quarter, in accordance with procedures developed by the comptroller:

(1) the incremental increase in the receipts to the state from the taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the games and related events;

(2) the incremental increase in the receipts collected by the state on behalf of the endorsing municipality from the sales and use tax imposed by the endorsing municipality under Section 321.101(a), Tax Code, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the games and related events; and

(3) the incremental increase in the receipts collected by the endorsing municipality from the municipality's hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the games and related events.

(d) The [~~Subject to Section 6 of this Act, the~~] comptroller shall retain, for the purpose of guaranteeing the joint obligations of the state and the endorsing municipality under a games support contract and this Act, the amount of municipal sales and use tax revenue determined under Subsection (b)(2) of this section from the amounts otherwise required to be sent to the municipality under Section 321.502, Tax Code, beginning with the first distribution of that tax revenue that occurs after the date the comptroller makes the determination of the

amount of municipal sales and use tax revenue under Subsection (b)(2). The comptroller shall discontinue retaining municipal sales and use tax revenue under this subsection on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date the amount of municipal sales and use tax revenue and municipal hotel occupancy tax revenue in the Pan American Games trust fund equals 14 percent of the maximum amount of state and municipal tax revenue that may be deposited in the trust fund under Subsection (m) of this section.

(f) Subject to ~~[Section 6 of this Act and]~~ Subsection (m) of this section, the comptroller shall deposit into a trust fund designated as the Pan American Games trust fund the amount of municipal sales and use tax revenue retained under Subsection (d) of this section and, at the same time, a portion of the state tax revenue determined under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of that municipal sales and use tax revenue. Subject to ~~[Section 6 of this Act and]~~ Subsection (m) of this section, the endorsing municipality shall deposit into the trust fund the amount of the endorsing municipality's hotel occupancy tax revenue determined under Subsection (b)(3) of this section. The endorsing municipality shall deposit that hotel occupancy tax revenue into the trust fund at least quarterly. When the endorsing municipality makes a deposit of its hotel occupancy tax revenue, the comptroller shall deposit at the same time a portion of the state tax revenue determined under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of that municipal hotel occupancy tax revenue. The Pan American Games trust fund is established outside the treasury but is held in trust by the comptroller for the administration of this Act. Money in the trust fund may be spent by the department without appropriation only as provided by this Act. The comptroller shall discontinue depositing into the trust fund any state tax revenue determined under Subsection (b)(1) of this section on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date on which the amount of state revenue in the Pan American Games trust fund equals 86 percent of the maximum amount of state and municipal tax revenue that may be deposited in the trust fund under Subsection (m) of this section.

(i) The comptroller shall provide an estimate not later than September 1 of the year that is eight years before the year in which the games would be held in this state~~[, 1999,]~~ of the total amount of state and municipal tax revenue that would be deposited in the Pan American Games trust fund before January 1 of the year following the year in which the games would be held, ~~[2008,]~~ if the games were to be held in this state at a site selected pursuant to an application by a local organizing committee. The comptroller shall provide the estimate on request to a local organizing committee. A local organizing committee may submit the comptroller's estimate to a site selection organization.

(l) On January 1 of the second year following the year in which the games are held in this state, [2009,] the comptroller shall transfer to the general revenue fund any money remaining in the Pan American Games trust fund, not to exceed the amount of state revenue remaining in the trust fund, plus any interest earned on that state revenue. The comptroller shall remit to the endorsing municipality any money remaining in the trust fund after the required amount is transferred to the general revenue fund.

SECTION __.04. Sections 5(a)-(g) and (i)-(m), Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) In this section:

(1) "Games" means the [2012] Olympic Games.

(2) "Site selection organization" means the United States Olympic Committee or the International Olympic Committee.

(3) "Endorsing county" means a county in which there is located all or part of a municipality that has a population of 850,000 or more, or a county adjacent to such a county.

(4) "Endorsing municipality" has the meaning assigned by Section 4 of this Act.

(b) If a site selection organization selects a site for the games in this state pursuant to an application by a local organizing committee, after the first occurrence of a measurable economic impact in this state as a result of the preparation for the games, as determined by the comptroller, but in no event later than one year before the scheduled opening event of the games, the comptroller shall determine for each subsequent calendar quarter, in accordance with procedures developed by the comptroller:

(1) the incremental increase in the receipts to the state from the taxes imposed under Chapters [Chapter] 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the games and related events; [and]

(2) the incremental increase in the receipts collected by the state on behalf of each [the] endorsing municipality from the sales and use tax imposed by the endorsing municipality under Section 321.101(a), Tax Code, and the mixed beverage tax revenue to be received by the endorsing municipality under Section 183.051(b), Tax Code, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the games and related events;

(3) the incremental increase in the receipts collected by the state on behalf of each endorsing county from the sales and use tax imposed by the county under Section 323.101(a), Tax Code, and the mixed beverage tax revenue to be received by the endorsing county under Section 183.051(b), Tax Code, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the games and related events;

(4) the incremental increase in the receipts collected by each endorsing municipality from the hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the games and related events; and

(5) the incremental increase in the receipts collected by each endorsing county from the hotel occupancy tax imposed under Chapter 352, Tax Code, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the games and related events.

(c) For the purposes of Subsection (b)(1) of this section, the comptroller shall designate as a market area for the games each area in which the comptroller determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the games and related events, including areas likely to provide venues, accommodations, and services in connection with the games based on the proposal provided by the local organizing committee under Section 7 of this Act. The comptroller shall determine the geographic boundaries of each market area. Each [The] endorsing municipality or endorsing county that has been selected as the site for the games must be included in a market area for the games.

(d) Subject to Section 6 of this Act, the comptroller shall retain, for the purpose of guaranteeing the joint obligations of the state and an [the] endorsing municipality or endorsing county under a games support contract and this Act, the amount of [municipal] sales and use tax revenue and mixed beverage tax revenue determined under Subsection (b)(2) or (b)(3) of this section from the amounts otherwise required to be sent to the municipality under Section 183.051(b) or 321.502, Tax Code, or to the county under Section 183.051(b) or 323.502, Tax Code, beginning with the first distribution of that tax revenue that occurs after the date the comptroller makes the determination of the amount of [municipal] sales and use tax revenue and mixed beverage tax revenue under Subsection (b)(2) or (b)(3) of this section. The comptroller shall discontinue retaining [municipal] sales and use tax revenue and mixed beverage tax revenue under this subsection on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date the amount of local [municipal] sales and use tax revenue and mixed beverage tax revenue in the Olympic Games trust fund equals 14 percent of the maximum amount of state and local [municipal] tax revenue that may be deposited in the trust fund under Subsection (m) of this section.

(e) In addition to [municipal] sales and use tax revenue and mixed beverage tax revenue retained under Subsection (d) of this section and hotel occupancy tax revenue retained under Subsection (f) of this section, an endorsing municipality or endorsing county may guarantee its obligations under a games support contract and this Act by pledging surcharges from user fees, including parking or ticket fees, charged in connection with presentation of the games.

(f) Subject to [Section 6 of this Act and] Subsection (m) of this section, each endorsing municipality or endorsing county shall remit to the comptroller and the comptroller shall deposit into a trust fund designated as the Olympic

Games trust fund, on a quarterly basis, the amount of the municipality's or county's hotel occupancy tax revenue determined under Subsection (b)(4) or (b)(5) of this section, as applicable. Subject to Section 6 of this Act and Subsection (m) of this section, the comptroller shall deposit into the trust fund the amount of ~~municipal~~ sales and use tax revenue and mixed beverage tax revenue retained under Subsection (d) of this section for the same calendar quarter and, at the same time, ~~a portion of~~ the state tax revenue determined under Subsection (b)(1) of this section for the quarter ~~in an amount equal to 6.25 times the amount of that municipal sales and use tax revenue~~. The Olympic Games trust fund is established outside the treasury but is held in trust by the comptroller for the administration of this Act. Money in the trust fund may be spent by the department without appropriation only as provided by this Act. The comptroller shall discontinue deposit of the amount of state tax revenue determined under Subsection (b)(1) of this section on the earlier of:

(1) the end of the third calendar month following the month in which the closing event of the games occurs; or

(2) the date the amount of state revenue in the Olympic Games trust fund equals 86 percent of the maximum amount of state, ~~and~~ municipal, and county tax revenue that may be deposited in the trust fund under Subsection (m) of this section.

(g) The department may use the funds in the Olympic Games trust fund only to fulfill joint obligations of the state and each ~~the~~ endorsing municipality or endorsing county to a site selection organization under a games support contract or any other agreement providing assurances from the department or the ~~endorsing~~ municipality or county to a site selection organization.

(i) The comptroller shall provide an estimate before August 31 of the year that is 12 years before the year in which the games would be held in this state, ~~2000,~~ or as soon as practical after that date, of the total amount of state, ~~and~~ municipal, and county tax revenue that would be deposited in the Olympic Games trust fund if the games were to be held in this state at a site selected pursuant to an application by a local organizing committee. The comptroller shall provide the estimate on request to a local organizing committee. A local organizing committee may submit the comptroller's estimate to a site selection organization.

(j) The department may not make a disbursement from the Olympic Games trust fund unless the comptroller certifies that the disbursement is for a purpose for which the state and each ~~the~~ endorsing municipality or endorsing county are jointly obligated under a games support contract or other agreement described by Subsection (g) of this section. A disbursement may not be made from the trust fund that the department determines would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state.

(k) If the comptroller certifies under Subsection (j) of this section that a disbursement may be made from the Olympic Games trust fund, the obligation shall be satisfied proportionately from the state and municipal or county revenue in the trust fund.

(l) Two years after the closing event of the games, the comptroller shall transfer to the general revenue fund any money remaining in the Olympic Games trust fund, not to exceed the amount of state revenue remaining in the trust fund, plus any interest earned on that state revenue. The comptroller shall remit to each [the] endorsing entity in proportion to the amount contributed by the entity [municipality] any money remaining in the trust fund after the required amount is transferred to the general revenue fund.

(m) In no event may:

(1) the total amount of state, ~~and~~ municipal, and county tax revenue deposited in the Olympic Games trust fund exceed \$100 million; or

(2) the joint liability of the state and an [the] endorsing municipality or county under a joinder agreement and any other games support contracts entered into pursuant to this Act exceed the lesser of:

(A) \$100 million; or

(B) the total amount of revenue deposited in the Olympic Games trust fund and interest earned on the fund.

SECTION __.05. Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended by adding Section 5A to read as follows:

Sec. 5A. PAYMENT OF STATE AND MUNICIPAL OR COUNTY OBLIGATIONS; OTHER EVENTS TRUST FUND. (a) In this section:

(1) "Endorsing county" means a county that has a population of one million or more and that contains a site selected by a site selection organization for one or more games.

(2) "Endorsing municipality" means a municipality that has a population of one million or more and that contains a site selected by a site selection organization for one or more games.

(3) "Event support contract" means a joinder undertaking, joinder agreement, or a similar contract executed by an endorsing municipality or endorsing county and a site selection organization.

(4) "Game" means a Super Bowl, a National Collegiate Athletic Association Final Four tournament game, the National Basketball Association All-Star Game, the National Hockey League All-Star Game, the Major League Baseball All-Star Game, a National Collegiate Athletic Association Bowl Championship Series game, a World Cup Soccer game, or the World Games. The term includes any events and activities related to or associated with the games.

(5) "Site selection organization" means the National Football League, the National Collegiate Athletic Association, the National Basketball Association, the National Hockey League, Major League Baseball, the Federation Internationale de Football Association (FIFA), or the International World Games Association.

(b) If a site selection organization selects a site for a game in this state pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county, not later than three months before the date of

the game, the comptroller shall determine for the two-week period that ends at the end of the day after the date on which the game will be held, in accordance with procedures developed by the comptroller:

(1) the incremental increase in the receipts to the state from taxes imposed under Chapters 151, 152, 156, and 183, Tax Code, and under Title 5, Alcoholic Beverage Code, within the market areas designated under Subsection (c) of this section, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the game and related events;

(2) the incremental increase in the receipts collected by the state on behalf of each endorsing municipality in the market area from the sales and use tax imposed by each endorsing municipality under Section 321.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing municipality under Section 183.051(b), Tax Code, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the game and related events;

(3) the incremental increase in the receipts collected by the state on behalf of each endorsing county in the market area from the sales and use tax imposed by each endorsing county under Section 323.101(a), Tax Code, and the mixed beverage tax revenue to be received by each endorsing county under Section 183.051(b), Tax Code, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the game and related events;

(4) the incremental increase in the receipts collected by each endorsing municipality in the market area from the hotel occupancy tax imposed under Chapter 351, Tax Code, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the game and related events; and

(5) the incremental increase in the receipts collected by each endorsing county in the market area from the hotel occupancy tax imposed under Chapter 352, Tax Code, that is directly attributable, as determined by the comptroller, to the preparation for and presentation of the game and related events.

(c) For the purposes of Subsection (b)(1) of this section, the comptroller shall designate as a market area for the game each area in which the comptroller determines there is a reasonable likelihood of measurable economic impact directly attributable to the preparation for and presentation of the game and related events, including areas likely to provide venues, accommodations, and services in connection with the game based on the proposal provided by the local organizing committee to the comptroller. The comptroller shall determine the geographic boundaries of each market area. An endorsing municipality or endorsing county that has been selected as the site for the game must be included in a market area for the game.

(d) Each endorsing municipality or endorsing county shall remit to the comptroller and the comptroller shall deposit into a trust fund created by the comptroller and designated as the Other Events trust fund the amount of the municipality's or county's hotel occupancy tax revenue determined under Subsection (b)(4) or (b)(5) of this section, less any amount of the revenue that the

municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller shall retain the amount of sales and use tax revenue and mixed beverage tax revenue determined under Subsection (b)(2) or (b)(3) of this section from the amounts otherwise required to be sent to the municipality under Sections 321.502 and 183.051(b), Tax Code, or to the county under Sections 323.502 and 183.051(b), Tax Code, and deposit into the trust fund the tax revenues, less any amount of the revenue that the municipality or county determines is necessary to meet the obligations of the municipality or county. The comptroller shall begin retaining and depositing the local tax revenues with the first distribution of that tax revenue that occurs after the first day of the two-week period described by Subsection (b) of this section and shall discontinue retaining the local tax revenues under this subsection when the amount of the applicable tax revenue determined under Subsection (b)(2) or (b)(3) of this section has been retained. The Other Events trust fund is established outside the state treasury and is held in trust by the comptroller for administration of this Act. Money in the trust fund may be disbursed by the comptroller without appropriation only as provided by this section.

(e) In addition to the tax revenue deposited in the Other Events trust fund under Subsection (d) of this section, an endorsing municipality or endorsing county may guarantee its obligations under a game support contract and this section by pledging surcharges from user fees, including parking or ticket fees, charged in connection with the game.

(f) The comptroller shall deposit a portion of the state tax revenue determined under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of the local sales and use tax revenue and mixed beverage tax revenue retained and the hotel occupancy tax revenue remitted by an endorsing municipality or endorsing county under Subsection (d) of this section.

(g) To meet its obligations under a game support contract or event support contract to improve, construct, renovate, or acquire facilities or to acquire equipment, an endorsing municipality by ordinance or an endorsing county by order may authorize the issuance of notes. An endorsing municipality or endorsing county may provide that the notes be paid from and secured by amounts on deposit or amounts to be deposited into the Other Events trust fund or surcharges from user fees, including parking or ticket fees, charged in connection with the game. Any note issued must mature not later than seven years from its date of issuance.

(h) The funds in the Other Events trust fund may be used to pay the principal of and interest on notes issued by an endorsing municipality or endorsing county under Subsection (g) of this section and to fulfill obligations of the state or an endorsing municipality or endorsing county to a site selection organization under a game support contract or event support contract, which obligations may include the payment of costs relating to the preparations necessary or desirable for the conduct of the game and the payment of costs of conducting the game, including improvements or renovations to existing facilities or other facilities and costs of acquisition or construction of new facilities or other facilities.

(i) A local organizing committee, endorsing municipality, or endorsing county shall provide information required by the comptroller to enable the comptroller to fulfill the comptroller's duties under this section, including annual audited statements of any financial records required by a site selection organization and data obtained by the local organizing committee, an endorsing municipality, or an endorsing county relating to attendance at the game and to the economic impact of the game. A local organizing committee, endorsing municipality, or endorsing county must provide an annual audited financial statement required by the comptroller, if any, not later than the end of the fourth month after the date the period covered by the financial statement ends.

(j) The comptroller shall provide an estimate not later than three months before the date of a game of the total amount of tax revenue that would be deposited in the Other Events trust fund under this section in connection with that game, if the game were to be held in this state at a site selected pursuant to an application by a local organizing committee, endorsing municipality, or endorsing county. The comptroller shall provide the estimate on request to a local organizing committee, endorsing municipality, or endorsing county. A local organizing committee, endorsing municipality, or endorsing county may submit the comptroller's estimate to a site selection organization.

(k) The comptroller may make a disbursement from the Other Events trust fund on the prior approval of each contributing endorsing municipality or endorsing county for a purpose for which an endorsing municipality or endorsing county or the state is obligated under a game support contract or event support contract. A disbursement may not be made from the trust fund that the comptroller determines would be used for the purpose of soliciting the relocation of a professional sports franchise located in this state.

(l) If a disbursement is made from the Other Events trust fund under Subsection (k), the obligation shall be satisfied proportionately from the state and local revenue in the trust fund.

(m) On payment of all state, municipal, or county obligations under a game support contract or event support contract related to the location of any particular game in the state, the comptroller shall remit to each endorsing entity, in proportion to the amount contributed by the entity, any money remaining in the trust fund.

(n) This subsection applies only to a bid for or hosting of the 2004 Super Bowl. Notwithstanding any provision in this section to the contrary, the comptroller may not retain and the endorsing municipality or endorsing county may not remit to the comptroller, as applicable, the local tax revenues described in Subsection (b)(2), (b)(3), (b)(4), or (b)(5) of this section. For purposes of Subsection (f) of this section, the comptroller shall deposit a portion of the state tax revenue determined under Subsection (b)(1) of this section in an amount equal to 6.25 times the amount of the local sales and use tax revenue and mixed beverage tax revenue that the comptroller determines pursuant to Subsection (b) of this section represents the incremental increase in receipts to an endorsing municipality or endorsing county.

(o) This section may not be construed as creating or requiring a state guarantee of obligations imposed on the state or an endorsing municipality or endorsing county under a game support contract or other agreement relating to hosting one or more games in this state.

(p) The comptroller may not undertake any of the responsibilities or duties set forth in this section unless a request is submitted by the municipality and the county in which the game will be located. The request must be accompanied by documentation from a site selection organization selecting the site for the game.

(q) This section expires January 1, 2007.

SECTION __.06, Section 6, Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 6. MUNICIPAL OR COUNTY ELECTION. (a) Except as provided by Subsections [Subsection] (b) and (d) of this section, an endorsing municipality or endorsing county must hold an election in the municipality or county to determine whether the municipality or county may contribute a portion of its sales and use taxes ~~[and hotel occupancy taxes to the Pan American Games trust fund under Section 4 of this Act or a portion of its sales and use taxes]~~ to the Olympic Games trust fund under Section 5 of this Act ~~[, as applicable to the games for which the municipality has authorized a bid on its behalf]~~. The election must be held on a uniform election date ~~[that occurs after the effective date of this Act and]~~ before the date a site selection organization requires the endorsing municipality or endorsing county and the state to enter into a joinder undertaking relating to the applicable games.

~~(b) [An endorsing municipality authorizing a bid on its behalf for the 2007 Pan American Games is not required to hold an election under this section if there is not a sufficient number of days between the effective date of this Act and a uniform election date that occurs before the date a site selection organization requires that the endorsing municipality and the state enter into a joinder undertaking to allow the municipality to submit the proposed election to the United States attorney general for preclearance under Section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. Section 1973e), at least 120 days before the election.]~~

~~(c) [If an endorsing municipality or endorsing county is required to hold an election under this section and the contribution of a portion of the municipality's or county's sales and use taxes to the ~~[Pan American Games trust fund or]~~ Olympic Games trust fund under Section 5 of this Act ~~[, as applicable to the games for which the endorsing municipality authorized a site selection bid on its behalf]~~ is not approved by a majority of the voters voting in the election:~~

~~(1) the comptroller may not establish the ~~[Pan American Games trust fund under Section 4 of this Act or the]~~ Olympic Games trust fund under Section 5 of this Act ~~[, as applicable]~~, may not retain the municipality's or county's ~~[municipal sales and use]~~ tax revenue under Section ~~[4(d) or] 5(d)~~ of this Act ~~[, as applicable]~~, from amounts otherwise required to be sent to that municipality or county ~~[under Section 321.502, Tax Code]~~, and may not deposit any state tax revenue into the trust fund;~~

(2) the comptroller is not required to determine the incremental increase in state, county, or ~~and~~ municipal tax revenue under Section ~~[4(b) or]~~ 5(b) of this Act~~[-as applicable]~~; and

(3) the department may not enter into a games support contract relating to the games for which the municipality or county has authorized a bid on its behalf.

(c) Notwithstanding any other provisions of this Act, an endorsing municipality or endorsing county is not required to hold an election in order to contribute its mixed beverage tax revenue or its hotel occupancy tax revenue to the Olympic Games trust fund under Section 5 of this Act.

SECTION .07. Sections 7(a), (b), (e), (f), (g), (i), and (j), Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The department shall review requests from a local organizing committee, endorsing municipality, or endorsing county that the department, on behalf of the state, enter into a games support contract that is required by a site selection organization in connection with the committee's, municipality's, or county's bid to host any of the games. This section does not affect or apply to an event support contract under Section 5A of this Act to which the department is not a party.

(b) A request made under Subsection (a) of this section must be accompanied by:

(1) a general description and summary of the games for which a site selection is sought by the local organizing committee, endorsing municipality, or endorsing county;

(2) a preliminary and general description of the proposal the local organizing committee, endorsing municipality, or endorsing county intends to submit to a site selection organization;

(3) the estimated cost of preparing and submitting the intended proposal;

(4) the local organizing committee's, endorsing municipality's, or endorsing county's intended method of obtaining the funds needed for the purpose of preparing the proposal;

(5) a description by type and approximate amount of the site selection application costs that the local organizing committee, endorsing municipality, or endorsing county intends to pay; and

(6) any other information reasonably requested by the department to assist it in reviewing the request.

(e) The department may agree in a joinder agreement that the state will:

(1) provide or cause to be provided all of the governmental funding, facilities, and other resources specified in the local organizing committee's, endorsing municipality's, or endorsing county's bid to host the games;

(2) be bound by the terms of, cause the local organizing committee, endorsing municipality, or endorsing county to perform, and guarantee performance of the local organizing committee's, endorsing municipality's, or endorsing county's obligations under contracts relating to selecting a site in this state for the games; and

(3) be jointly and severally liable with the local organizing committee, endorsing municipality, or endorsing county for:

(A) obligations of the local organizing committee, endorsing municipality, or endorsing county to a site selection organization, including obligations indemnifying the site selection organization against claims of and liabilities to third parties arising out of or relating to the games; and

(B) any financial deficit relating to the games.

(f) The department may agree to execute a joinder undertaking, a joinder agreement, or other games support contract only if:

(1) the department determines that:

(A) the state's assurances and obligations under the undertaking, agreement, or contract are reasonable; and

(B) any financial commitments of the state will be satisfied exclusively by recourse to the Pan American Games trust fund or the Olympic Games trust fund, as applicable; and

(2) the endorsing municipality or endorsing county has executed an agreement with a site selection organization that contains substantially similar terms.

(g) Before executing a games support contract, the department must execute an agreement with the [applicable] local organizing committee, endorsing municipality, or endorsing county requiring that if a site selection organization selects a site for the games in this state pursuant to an application by the local organizing committee, endorsing municipality, or endorsing county, the local organizing committee, endorsing municipality, or endorsing county will repay the state any funds expended by the department under this Act from any surplus of the local organizing committee's, endorsing municipality's, or endorsing county's funds remaining after the presentation of the games and after the payment of the expenses and obligations incurred by the local organizing committee, endorsing municipality, or endorsing county.

(i) The department may require a local organizing committee, endorsing municipality, or endorsing county to list the state as an additional insured on any policy of insurance purchased by the local organizing committee, endorsing municipality, or endorsing county and required by a site selection organization to be in effect in connection with the games.

(j) The Texas Department of Transportation, the Department of Public Safety of the State of Texas, and the Texas Department of Housing and Community Affairs may:

(1) assist a local organizing committee, endorsing municipality, or endorsing county in developing applications and planning for the games; and

(2) enter into contracts, agreements, or assurances related to the presentation of the games.

SECTION __.08. Section 26.041, Tax Code, is amended by adding Subsection (j) to read as follows:

(j) Any amount derived from the sales and use tax that is retained by the comptroller under Section 4 or 5, Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is not considered to be sales and use tax revenue for purposes of this section.

SECTION __.09. Section 7(k), Chapter 1507, Acts of the 76th Legislature, Regular Session, 1999 (Article 5190.14, Vernon's Texas Civil Statutes), is repealed.

Amendment No. 17 was adopted without objection.

CSSB 275, as amended, was passed to third reading.

SB 693 - VOTE RECONSIDERED

Representative Eiland moved to reconsider the vote by which **SB 693** was passed.

The motion to reconsider prevailed.

SB 693 ON THIRD READING (Eiland - House Sponsor)

SB 693, A bill to be entitled An Act relating to the use of flame effects and pyrotechnics before an assembly; providing a penalty.

Amendment No. 1

On behalf of Representative Reyna, Representative Eiland offered the following amendment to **SB 693**:

Amend **SB 693** as follows:

(1) Page 5, line 9, strike "worker's compensation insurance and"

Amendment No. 1 was adopted without objection.

SB 693, as amended, was passed.

MAJOR STATE CALENDAR (consideration continued)

SB 281 ON SECOND READING (Solomons - House Sponsor)

SB 281, A bill to be entitled An Act relating to the continuation of the Council on Workforce and Economic Competitiveness as the Texas Workforce Investment Council and to the functions performed by the council.

SB 281 was passed to third reading.

CSSB 279 ON SECOND READING
(Solomons, Dunnam, and Chisum - House Sponsors)

CSSB 279, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Licensing and Regulation, including certain functions transferred to the department from the Texas Department of Insurance and the Texas Commission on Environmental Quality and including certain functions transferred from the department to the Department of Public Safety.

Amendment No. 1

Representative Solomons offered the following amendment to **CSSB 279**:

Amend **CSSB 279** on page 1, lines 4-5, by striking "the Texas Department of Insurance and".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Solomons offered the following amendment to **CSSB 279**:

Amend **CSSB 279** on page 17 by striking lines 9-16.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Solomons offered the following amendment to **CSSB 279**:

Amend **CSSB 279** (house committee report) in SECTION 3.005 of the bill (page 26, lines 5-19) by striking added Section 9, Article 9102, Revised Statutes, and substituting a new Section 9 to read as follows:

Sec. 9. COMPLAINTS. (a) The department shall continue to monitor a complaint made under Section 51.252, Occupations Code, that alleges that a building or facility is not in compliance with the standards and specifications adopted by the commission under this article until the department determines that:

(1) the building or facility has been brought into compliance; or

(2) the building or facility is not required to be brought into compliance because of a rule or statute, including Section 2(c) of this article.

(b) If the building or facility is not required to be brought into compliance, the department shall, on final disposition of the complaint, notify in writing the person filing the complaint that the building or facility is not required to be brought into compliance because of a rule or statute and provide a reference to the rule or statute.

(c) The department, at least quarterly and for as long as the department continues to monitor the complaint under Subsection (a) of this section, shall notify the person filing the complaint of the status of the monitoring.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Solomons offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by striking Articles 5, 10, 21, 23, and 27 of the bill.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Solomons offered the following amendment to **CSSB 279**:

Amend **CSSB 279** as follows:

(1) On page 65, strike lines 18-19 and substitute:

SECTION 12.002. Section 1202.003, Occupations Code, is amended by amending Subsection (a) and adding Subsection (d) to read as follows:

(2) On page 65, strike lines 26-27 and substitute:

the module or the modular component is transported to the commercial [~~permanent~~] site and erected or installed [~~on a permanent foundation system~~].

(d) An industrialized building includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site.

(3) On page 66, line 27, strike "or 1202.206".

(4) On page 69, between lines 25 and 26, insert:

SECTION 12.013. Section 1202.205, Occupations Code, is amended to read as follows:

Sec. 1202.205. RECIPROCITY. (a) The commission [~~commissioner~~] by rule may authorize an inspection of industrialized housing or buildings constructed in another state to be performed by an inspector of the equivalent regulatory agency of the other state.

(b) The commission [~~commissioner~~] by rule may authorize an inspection of industrialized housing or buildings constructed in this state for use in another state.

(c) The commission [~~commissioner~~] shall enter into a reciprocity agreement with the equivalent regulatory agency of the other state as necessary to implement this section.

(5) Renumber the sections of Article 12 of the bill accordingly.

(6) On page 86, line 2, between "commission" and "[~~commissioner~~]", insert ", with the commission's approval,".

(7) On page 104, line 10, between "commission" and "[~~commissioner~~]", insert ", with the commission's approval,".

(8) On page 104, line 27, between "commission" and "[~~commissioner~~]", insert ", with the commission's approval,".

(9) On page 105, line 6, between "commission" and "[~~commissioner~~]", insert ", with the commission's approval,".

(10) On page 113, line 7, between "commission" and "[~~council~~]", insert ", with the commission's approval,".

(11) Strike page 162, line 25 through page 164, line 5.

(12) Strike page 169, line 27 through page 170, line 5.

(13) Renumber the sections of Article 28 of the bill accordingly.

Amendment No. 5 was adopted without objection.

Amendment No. 6

Representative Solomons offered the following amendment to **CSSB 279**:

Amend **CSSB 279** as follows:

(1) On page 72, lines 25 and 26, strike "Section 1903.151(a), Occupations Code, is amended" and substitute "Section 1903.151, Occupations Code, is amended by amending Subsection (a) and adding Subsection (c)".

(2) On page 73, between lines 6 and 7, insert:

(c) The Texas Commission on Environmental Quality shall designate one person to serve as a nonvoting member of the council.

(3) On page 128, between lines 4 and 5, insert:

Sec. 38.056. COORDINATION WITH TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. In administering this chapter, the department shall coordinate with the Texas Commission on Environmental Quality on water quality and environmental issues.

(4) On page 128, line 5, strike "38.056" and substitute "38.057".

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Solomons offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by adding an appropriately numbered ARTICLE and renumbering the subsequent ARTICLES of the bill appropriately:

ARTICLE 28. RENTAL-PURCHASE AGREEMENTS

SECTION 1. Section 35.71, Business & Commerce Code, is amended by adding Subdivisions (3-a) to read as follows:

(3-a) "Loss damage waiver" means a merchant's agreement not to hold a consumer liable for loss from all or part of any damage to merchandise.

SECTION 2. Section 35.72 (c), Business & Commerce Code, is amended to read as follows:

(c) A rental-purchase agreement may not contain a provision:

(1) requiring a confession of judgment;

(2) authorizing a merchant or an agent of the merchant to commit a breach of the peace in the repossession of the merchandise;

(3) waiving a defense, counterclaim, or right the consumer may have against the merchant or an agent of the merchant;

(4) requiring the purchase of insurance or a loss damage waiver from the merchant to cover the merchandise;

(5) requiring the payment of a late charge or reinstatement fee unless a periodic payment is delinquent for more than seven days if the payment is due monthly, or is delinquent for more than three days if the payment is due more frequently than monthly, and the charge or fee is in an amount equal to not more than the lesser of five percent of the delinquent payment or \$5, and not less than \$2; or

(6) requiring a payment at the end of the scheduled rental-purchase term in excess of or in addition to a regular periodic payment in order to acquire ownership of the merchandise. In no event shall the consumer be required to pay a sum greater than the total amount to be paid to acquire ownership, as directed in Subsection (g) (3) of this section.

SECTION 3. Subchapter F, chapter 35, Business & Commerce Code, is amended by adding Section 35.721 to read as follows:

Sec. 35.721. LOSS DAMAGE WAIVER. (a) In addition to other charges permitted by this subchapter, a consumer may contract for a loss damage waiver. A loss damage waiver is not insurance.

(b) A merchant may not sell a loss damage waiver unless the consumer agrees to the waiver in writing. A merchant may not impose or require the purchase of a loss damage waiver as a mandatory charge.

(c) A loss damage waiver may exclude loss or damage to the merchandise that is caused by an unexplained disappearance or abandonment of the merchandise, or any other damage that is intentionally caused by the consumer or that results from the consumer's wilful or wanton misconduct.

(d) A loss damage waiver agreement must include a statement of the total charge for the loss damage waiver.

(e) A merchant may charge a periodic fee for a loss damage waiver that may not exceed 10 percent of the periodic rental payment.

(f) A contract that offers a loss damage waiver must include the following notice:

"This contract offers an optional loss damage waiver for a additional charge to cover your responsibility for loss of or damage to the merchandise. You do not have to purchase this coverage. Before deciding whether or not to purchase this loss damage waiver, you may consider whether your homeowners' or casualty insurance policy affords you coverage for loss of or damage to rental merchandise and the amount of the deductible you would pay under your policy."

(g) a merchant may not sell a loss damage waiver unless the form of the contract containing the waiver has been approved by the Texas Department of Licensing and Regulation.

(h) The Texas Commission of Licensing and Regulation shall by rule:

(1) provide for annual submission of ~~a~~ all contract forms, and all amendments to contract forms, containing a loss damage waiver for review; and

(2) establish a reasonable fee to be paid by the merchant for the review of contract forms and for Texas Department of Licensing and Regulation administration of this subchapter.

SECTION 4. Subchapter F, Chapter 35, Business and Commerce Code, is amended by adding Section 35.722 to read as follows:

Section 35.722 ENFORCEMENT; INVESTIGATION; HEARING.

(a) The Executive Director of the Texas Department of Licensing and Regulation shall enforce Section 35.721 and may investigate any merchant who has one or more contracts that include loss damage waivers as necessary.

(b) A person may file a complaint alleging a violation of Section 35.721 with the Executive Director of the Texas Department of Licensing and Regulation, who shall investigate the alleged violation on receipt of the complaint, and may inspect any records relevant to the complaint.

(c) If, as a result of an investigation, the Executive Director of the Texas Department of Licensing and Regulation determines that a violation may have occurred, an opportunity for a hearing shall be provided pursuant to the provisions of the Administrative Procedure Act, Gov't Code, Chapter 2001.

(d) If, after opportunity for hearing, the Texas Commission of Licensing and Regulation determines that the merchant has violated Section 35.721, the Commission may, as appropriate:

(1) impose an administrative penalty pursuant to Occupations Code, Chapter 51, Subchapter F, ad

(2) award the complaint damages in an amount up to the amount of the contract price for the merchandise.

Section 5. The change in law made by this article applies only to a rental-purchase agreement entered into on or after the effective date of this Act. A rental-purchase agreement entered into before the effective date of this Act is governed by the law in effect on the date on which the rental-purchase agreement was entered into, and the former law is continued in effect for that purpose.

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative Solomons offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by adding the following appropriately numbered sections to the bill and renumbering subsequent sections accordingly:

SECTION 29. Subchapter I, Chapter 2054, Government Code, as added by Chapter 353, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Sections 2054.255 and 2054.256 to read as follows:

Sec. 2054.255. CHANGE OF ADDRESS AND OTHER INFORMATION.

(a) The system adopted under Section 2054.253, as added by Chapter 353, Acts of the 77th Legislature, Regular Session, 2001, must allow a person regulated by one or more licensing authorities to file a single change of address on-line with the department. The department shall provide the new address to each appropriate licensing authority.

(b) The department may expand the system to include additional categories of updated information that license holders may need to provide to more than one licensing authority.

(c) If the department uses TexasOnline to implement the system, the department may recover costs incurred under this section as provided by Section 2054.252, as added by Chapter 342, Acts of the 77th Legislature, Regular Session, 2001.

Sec. 2054.256. SHARING OF INFORMATION. (a) Each licensing authority shall electronically share information regarding license holders, especially information regarding disciplinary information, with other licensing

authority to the extent it is feasible to do so and allowed by other law, under appropriate controls for the privacy, security, accuracy, and, when applicable, confidentiality of the information.

(b) A licensing authority may only use information it receives electronically under this section for regulatory purposes.

SECTION 30. This Act takes effect September 1, 2003.

Amendment No. 8 was adopted without objection.

Amendment No. 9

Representative Driver offered the following amendment to **CSSB 279**:

Amend **CSSB 279** in Article 3 of the bill by adding the following new SECTION, appropriately numbered, and renumbering subsequent SECTIONS of Article 3 appropriately:

SECTION _____. Section 2, Article 9102, Revised Statutes, is amended by adding Subsection (h) to read as follows:

(h) If any portion of a building described by Subsection (a)(1) of this section is occupied solely for residential use and the remaining occupied portion of the building is occupied for nonresidential use, the executive director shall consider only the nonresidential portion of the building in determining whether the building complies with the standards and specifications adopted under this article.

Amendment No. 9 was adopted without objection.

Amendment No. 10

Representative Geren offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by striking Article 11 of the bill (house committee printing, page 54, line 8, through page 65, line 4) and substituting the following:

ARTICLE 11. ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT

SECTION 11.01. Subchapter B, Chapter 754, Health and Safety Code, is amended to read as follows:

SUBCHAPTER B. INSPECTION, ~~AND~~ CERTIFICATION, AND
REGISTRATION

Sec. 754.011. DEFINITIONS. In this subchapter:

(1) "Acceptance inspection" means an inspection performed at the completion of the initial installation or alteration of equipment and in accordance with the applicable ASME Code A17.1.

(2) "Accident" means an event involving equipment that results in death or serious bodily injury to a person.

(3) "Alteration" means a change in or modernization of existing equipment. The term does not include maintenance, repair, replacement, or a cosmetic change that does not affect the operational safety of the equipment or diminish the safety of the equipment below the level required by the ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21, as applicable, at the time of alteration.

(4) "Annual inspection" means an inspection of equipment performed in a 12-month period in accordance with the applicable ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21. The term includes an acceptance inspection performed within that period.

(5) "ASCE Code 21" means the American Society of Civil Engineers Code 21 for people movers operated by cables.

(6) "ASME Code A17.1" means the American Society of Mechanical Engineers Safety Code for Elevators and Escalators A17.1.

(6-a) "Executive director" means the executive director of the department.

(7) [~~2~~] "ASME Code A17.3" means the 2002 American Society of Mechanical Engineers Safety Code for Elevators and Escalators A17.3.

(8) "ASME Code A18.1" means the American Society of Mechanical Engineers Safety Code for Platform Lifts and Stairway Chairlifts A18.1.

(9) [~~3~~] "Board" means the elevator advisory board.

(10) [~~4~~] "Commission" means the Texas Commission of Licensing and Regulation.

(11) [~~5~~] "Commissioner" means the commissioner of licensing and regulation.

(12) "Contractor" means a person engaged in the installation, repair, or maintenance of equipment. The term does not include an employee of a contractor or a person engaged in cleaning or any other work performed on equipment that does not affect the operational safety of the equipment or diminish the safety of the equipment below the level required by the ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, or ASCE Code 21, as applicable.

(13) [~~6~~] "Department" means the Texas Department of Licensing and Regulation.

(14) "Equipment" means an elevator, escalator, chairlift, platform lift, automated people mover operated by cables, or moving sidewalk, or related equipment.

(15) "Industrial facility" means a facility to which access is primarily limited to employees or contractors working in that facility.

(16) [~~7~~] "Qualified historic building or facility" means a building or facility that is:

(A) listed in or eligible for listing in the National Register of Historic Places; or

(B) designated as a Recorded Texas Historic Landmark or State Archeological Landmark.

(17) [~~8~~] "Related equipment" means:

(A) automatic equipment that is used to move a person in a manner that is similar to that of an elevator, an [~~e~~] escalator, a chairlift, a platform lift, an automated people mover operated by cables, or [~~and includes~~] a moving sidewalk; and

(B) hoistways, pits, and machine rooms for equipment.

(18) "Serious bodily injury" means a major impairment to bodily function or serious dysfunction of any bodily organ or part requiring medical attention.

(19) "Unit of equipment" means one elevator, escalator, chairlift, platform lift, automated people mover operated by cables, or moving sidewalk, or related equipment.

Sec. 754.0111. EXEMPTION. (a) This subchapter does not apply to ~~[an elevator, escalator, or related]~~ equipment in a private building for a labor union, trade association, private club, or charitable organization that has two or fewer floors.

(b) This subchapter does not apply to an elevator located in a single-family dwelling, except as provided by Section 754.0141.

Sec. 754.012. ELEVATOR ADVISORY BOARD. (a) The elevator advisory board is composed of nine members appointed by the presiding officer of the commission ~~[commissioner]~~ as follows:

(1) a representative of the insurance industry or a certified elevator inspector;

(2) a representative of ~~[elevator, escalator, and related]~~ equipment constructors;

(3) a representative of owners or managers of a building ~~[buildings]~~ having fewer than six stories and having ~~[an elevator, an escalator, or related]~~ equipment;

(4) a representative of owners or managers of a building ~~[buildings]~~ having six stories or more and having ~~[an elevator, an escalator, or related]~~ equipment;

(5) a representative of independent ~~[elevator, escalator, and related]~~ equipment maintenance companies;

(6) a representative of ~~[elevator, escalator, and related]~~ equipment manufacturers;

(7) a licensed or registered engineer or architect ~~[representative of professional engineers or architects]~~;

(8) a public member; and

(9) a public member with a physical disability.

(b) Board members serve at the will of the commission ~~[commissioner]~~.

(c) The presiding officer of the commission ~~[commissioner]~~ shall appoint a presiding officer of the board to serve for two years.

(d) The board shall meet at least twice each calendar year.

(e) A board member serves without compensation but is entitled to reimbursement for travel as provided for in the General Appropriations Act ~~[and other necessary expenses incurred in performing duties under this subchapter]~~.

Sec. 754.013. BOARD DUTIES. To protect public safety and to identify and correct potential hazards, the board shall advise the commission ~~[commissioner]~~ on:

(1) the adoption of appropriate standards for the installation, alteration, operation, and inspection of ~~[elevators, escalators, and related]~~ equipment;

(2) the status of ~~[elevators, escalators, and related]~~ equipment used by the public in this state; ~~[and]~~

(3) sources of information relating to equipment safety;

(4) public awareness programs related to elevator safety, including programs for sellers and buyers of single-family dwellings with elevators, chairlifts, or platform lifts; and

(5) any other matter considered relevant by the commission ~~[commissioner]~~.

Sec. 754.014. STANDARDS ADOPTED BY COMMISSION ~~[COMMISSIONER]~~. (a) The commission ~~[commissioner]~~ shall adopt standards for the installation, maintenance, alteration, operation, and inspection of ~~[elevators, escalators, and related]~~ equipment used by the public in:

(1) buildings owned or operated by the state, a state-owned institution or agency, or a political subdivision of the state; and

(2) buildings that contain ~~[an elevator, an escalator, or related]~~ equipment that is open to the general public, including a hotel, motel, apartment house, boardinghouse, church, office building, shopping center, or other commercial establishment.

(b) Standards adopted by the commission ~~[commissioner]~~ may not contain requirements in addition to the requirements in the ASME Code A17.1, ~~[or]~~ ASME Code A17.3, ASME Code A18.1, or ASCE Code 21. The standards must allow alteration of existing equipment if the alteration does not diminish the safety of the equipment below the level required by this subchapter at the time of alteration.

(c) Standards adopted by the commission ~~[commissioner]~~ must require ~~[elevators, escalators, and related]~~ equipment to comply with the installation requirements of the ~~[following, whichever is the least restrictive:~~

~~[(1) the] ASME Code A17.1, ASME Code A18.1, or ASCE Code 21 that was in effect and applicable on the date of installation of the [elevators, escalators, and related] equipment[; or~~

~~[(2) an applicable municipal ordinance governing the installation of elevators, escalators, and related equipment that was in effect on the date of installation].~~

(d) Standards adopted by the commission ~~[commissioner]~~ must require ~~[elevators, escalators, and related]~~ equipment to comply with the installation requirements of the ~~[1994]~~ ASME Code A17.3 that contains minimum safety standards for all ~~[elevators, escalators, and related]~~ equipment, regardless of the date of installation.

(e) The executive director ~~[On written request, the commissioner]~~ shall grant a delay for compliance with the applicable ASME Code A17.1, ~~[or the 1994]~~ ASME Code A17.3, or ASME Code A18.1 until a specified time if compliance is not readily achievable, as that phrase is defined in the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.), or regulations adopted under that Act. The accumulated total time of all delays may not exceed three years, except as provided by Subsection (f) or as allowed in the discretion of the executive director.

(f) The executive director ~~[On written request, the commissioner]~~ shall grant a delay until September 1, 2005, for compliance with the requirements for door restrictors or firefighter's service in the ~~[1994]~~ ASME Code A17.3 if those requirements were not included in the ASME Code A17.1 that was in effect on the date of installation ~~[of the elevator, escalator, or related equipment]~~ and ~~the~~ ~~[that]~~ equipment was not subsequently installed ~~[by an owner of the elevator, escalator, or related equipment]~~.

(g) The executive director ~~[commissioner]~~ may grant a waiver of compliance from an applicable code requirement ~~[with the applicable ASME Code A17.1 or the 1994 ASME Code A17.3]~~ if the executive director ~~[commissioner]~~ finds that:

(1) the building in which the ~~[elevator, escalator, or related]~~ equipment is located is a qualified historic building or facility or the noncompliance is due to structural components of the building; ~~and~~

(2) noncompliance will not constitute a significant threat to passenger safety; and

(3) noncompliance, with adequate alternative safeguards, will not constitute a significant threat to worker safety.

(h) The executive director shall grant a waiver of compliance if the noncompliance resulted from compliance with a municipal equipment construction code at the time of the original installation and the noncompliance does not pose imminent and significant danger. The executive director ~~[commissioner]~~ may grant a waiver of compliance with the firefighter's service provisions of the ASME Code A17.1 or the ~~[1994]~~ ASME Code A17.3 in an elevator that exclusively serves a vehicle parking garage in a building that:

(1) is used only for parking;

(2) is constructed of noncombustible materials; and

(3) is not greater than 75 feet in height.

(i) This subchapter does not apply to ~~[an elevator, an escalator, or related]~~ equipment in an industrial facility, or in a grain silo, radio antenna, bridge tower, underground facility, or dam, to which access is limited primarily ~~[principally]~~ to employees of or working in that facility or structure.

(j) ~~[The commissioner may charge a reasonable fee as set by the commission for an application for waiver or delay.]~~ One application for a waiver or delay may contain all requests related to a unit of equipment ~~[particular building]~~. A delay may not be granted indefinitely but must be granted for ~~[to]~~ a specified time not to exceed three years.

(k) For purposes of this section, the date of installation or alteration of equipment is the date that the owner of the real property entered into a contract for the installation or alteration of the ~~[purchase of the elevators, escalators, or related]~~ equipment. If that date cannot be established, the date of installation or alteration is the date of issuance of the municipal building permit under which the ~~[elevators, escalators, or related]~~ equipment was installed or altered ~~[constructed]~~ or, if a municipal building permit was not issued, the date that electrical consumption began for the construction of the building in which the ~~[elevators, escalators, or related]~~ equipment was installed.

Sec. 754.0141. STANDARDS FOR EQUIPMENT IN SINGLE-FAMILY DWELLINGS; REQUIRED INFORMATION. (a) Elevators, chairlifts, or platform lifts installed in a single-family dwelling on or after January 1, 2004, must comply with the ASME Code A17.1 or A18.1, as applicable, and must be inspected by a QEI-1 certified inspector after the installation is complete. The inspector shall provide the dwelling owner a copy of the inspection report.

(b) The commission shall, before January 1, 2004, adopt rules containing minimum safety standards that must be used by QEI-1 certified inspectors when inspecting elevators, chairlifts, and platform lifts installed in single-family dwellings.

(c) A municipality may withhold a certificate of occupancy for a dwelling or for the installation of the elevator or chairlift until the owner provides a copy of the QEI-1 inspection report to the municipality.

(d) A contractor is not required to report to the department any information concerning equipment in a single-family dwelling or the contractor's work on the equipment.

(e) On completing installation of equipment in a single-family dwelling, a contractor shall provide the dwelling owner with relevant information, in writing, about use, safety, and maintenance of the equipment, including the advisability of having the equipment periodically and timely inspected by a QEI-1 certified inspector.

(f) An inspection by a QEI-1 certified inspector of equipment in a single-family dwelling may be performed only at the request and with the consent of the owner. The owner of a single-family dwelling is not subject to Section 754.022, 754.023, or 754.024.

Sec. 754.015. RULES. (a) The commission [~~commissioner~~] by rule shall provide for:

(1) an annual [~~the~~] inspection and certification of the [~~once each calendar year of elevators, escalators, and related~~] equipment covered by standards adopted under this subchapter;

(2) [~~the~~] enforcement of those standards;

(3) registration [~~the certification~~] of qualified [~~persons as~~] inspectors and contractors [~~for the purposes of this subchapter~~]; [~~and~~]

(4) the form of [~~the~~] inspection documents, contractor reports, [~~report~~] and certificates [~~certificate~~] of compliance;

(5) notification to building owners, architects, and other building industry professionals regarding the necessity of annually inspecting equipment;

(6) approval of continuing education programs for registered QEI-1 certified inspectors; and

(7) standards of conduct for individuals who are registered under this subchapter.

(b) The commission [~~commissioner~~] by rule may not [~~require that~~]:

(1) require inspections of equipment to [~~inspection~~] be made more often than every 12 months, except as provided by Subsection (c) [~~once per year of elevators, escalators, and related equipment~~];

(2) require persons to post a bond or furnish insurance or to have minimum experience or education as a condition of certification or registration; [and]

(3) require building owners to submit to the department proposed plans for equipment installation or alteration; or

(4) prohibit a QEI-1 certified inspector who is registered with the department from inspecting equipment.

(c) The commission by rule may require a reinspection or recertification of equipment if the equipment has been altered and poses a significant threat to passenger or worker safety or if an annual inspection report indicates an existing violation has continued longer than permitted in a delay granted by the executive director.

(d) The executive director may charge a reasonable fee as set by the commission for:

(1) registering or renewing registration of an inspector;

(2) registering or renewing registration of a contractor;

(3) applying for a certificate of compliance;

(4) filing an inspection report as required by Section 754.019(a)(3), 30 days or more after the date the report is due, for each day the report remains not filed after the date the report is due;

(5) applying for a waiver or delay; and

(6) attending a continuing education program sponsored by the department for registered QEI-1 inspectors [inspection reports or certificates of compliance be placed in locations other than one provided in Section 754.019(4)].

Sec. 754.016. INSPECTION REPORTS [REPORT] AND CERTIFICATES [CERTIFICATE] OF COMPLIANCE. (a) Inspection reports [An inspection report] and certificates [a certificate] of compliance required under this subchapter must cover all [elevators, escalators, and related] equipment in a building or structure appurtenant to the building, including a parking facility, that is [are] owned by the same person or persons. [There shall be only one inspection report and one certificate of compliance for each building.]

(b) An inspector shall date and sign an inspection report and shall issue the report to the building owner not later than the 10th calendar day after the date of inspection. [The inspection report shall be on forms designated by the commissioner.]

(c) The executive director [commissioner] shall date and sign a certificate of compliance and shall issue the certificate to the building owner. The certificate of compliance shall state:

(1) that the [elevators, escalators, and related] equipment has [have] been inspected by a certified inspector and found by the inspector to be in compliance, except for any delays or waivers granted by the executive director [commissioner] and stated in the certificate;

(2) the date of the last inspection and the due date for the next inspection; and

(3) contact information at the department to report a violation of this subchapter.

(d) The commission by rule shall:

(1) specify what information must be contained in a certificate of compliance;

(2) describe the procedure by which a certificate of compliance is issued;

(3) require that a certificate of compliance related to an elevator be posted in a publicly visible area of the building; and

(4) determine what constitutes a "publicly visible area" under Subdivision (3).

Sec. 754.017. CERTIFIED INSPECTORS. (a) In order to inspect equipment, an individual must:

(1) be registered [An inspector must register] with the department;

(2) attend educational programs approved by the department;

(3) [and] be certified as a QEI-1 [an ASME QEI-1] inspector by an organization accredited by the American Society of Mechanical Engineers; and

(4) pay all applicable fees. [Any certification charges or fees shall be paid by the inspector.]

(b) [The commissioner may not by rule prohibit an ASME QEI-1 certified inspector who is registered with the department from inspecting under this subchapter an elevator, an escalator, or related equipment.] A person assisting a certified inspector and working under the direct, on-site supervision of the inspector is not required to be [ASME QEI-1] certified.

(c) A registration expires on the first anniversary of the date of issuance.

(d) A certified inspector may not be required to attend more than seven hours of continuing education during each licensing period. [The commissioner may charge a \$15 fee to certified inspectors for registering with the department.]

Sec. 754.0171. CONTRACTOR REGISTRATION. (a) A person may not install, repair, or maintain equipment without registering as a contractor with the department as required by this subchapter.

(b) A contractor shall submit an application for registration and pay appropriate fees to the department. The registration application form may require information concerning the background, experience, or identity of the applicant.

(c) A registration expires on the first anniversary of the date of issuance.

(d) A person registering as a contractor under this subchapter shall submit to the department an initial report, not later than the 60th day following the application date, containing:

(1) the street address of each building or location at which the person performed installation, repair, alteration, or maintenance of equipment for the previous two years; and

(2) the name and mailing address of the building owner.

(e) After the initial report required by Subsection (d), a contractor registered as required by this subchapter shall submit to the department a quarterly report containing:

(1) the street address of each building or location at which the contractor performed installation, repair, alteration, or maintenance of equipment not reported in the contractor's initial report to the department under Subsection (d); and

(2) the name and mailing address of the building owner.

(f) Installation, repair, alteration, and maintenance standards for contractors must be consistent with ASME Code A17.1, ASME Code A17.3, ASME Code A18.1, and ASCE Code 21.

Sec. 754.0172. INSPECTION FEE. [(a) A person inspecting an elevator, an escalator, or related equipment under this subchapter may not charge more than \$65 per elevator cab or per escalator for each inspection.

[(b)] The amount charged for an inspection or the performance of an inspection of equipment under this subchapter may not be contingent on the existence of a maintenance contract between the person performing the inspection and any other person.

Sec. 754.018. POWERS OF MUNICIPALITIES. Subject to Section 754.014(h), if [H] a municipality operates a program for the installation, maintenance, alteration, inspection, or [and] certification of [elevators, escalators, and related] equipment, this subchapter shall not apply to the [elevators, escalators, and related] equipment in that municipality, provided that the standards of installation, maintenance, alteration, inspection, and certification are at least equivalent to [no less stringent than] those contained in this subchapter.

Sec. 754.019. DUTIES OF REAL PROPERTY OWNERS. (a) The owner of real property on which [an elevator, an escalator, or related] equipment covered by this subchapter is located shall:

(1) have the [elevator, escalator, or related] equipment inspected annually by a [an ASME QEI 1] certified inspector [in accordance with the commissioner's rules];

(2) obtain an inspection report from the inspector evidencing that all [elevators, escalators, and related] equipment in a building on the real property was [were] inspected in accordance with this subchapter and rules adopted under this subchapter;

(3) file with the executive director [commissioner a copy of] each inspection report, and all applicable fees, [and a \$20 filing fee for each report, plus \$5 for each elevator, escalator, or related equipment] not later than the 60th day after the date on which an inspection is made under this subchapter;

(4) display the certificate of compliance:

(A) in a publicly visible area of the building, as determined by commission rule under Section 754.016, [the elevator mechanical room] if the certificate relates to an elevator;

(B) in the escalator box if the certificate relates to an escalator; or

(C) in a place designated by the executive director [commissioner] if the certificate relates to [related] equipment other than an elevator or escalator;
and

(5) display the inspection report at the locations designated in Subdivision (4) until a certificate of compliance is issued [by the commissioner].

(b) When an inspection report is filed ~~[with the commissioner]~~, the owner shall submit to the executive director, as applicable ~~[commissioner]~~:

(1) verification that any deficiencies in the inspector's report have been remedied or that a bona fide contract to remedy the deficiencies has been entered into; or

(2) any application for delay or waiver of an applicable standard.

(c) ~~[An inspection must be made not later than 18 months after the previous calendar year's inspection. This subsection does not affect the requirement that elevators, escalators, or related equipment be inspected at least once each calendar year.]~~

~~[(d)]~~ For the purpose of determining timely filing under Subsection (a)(3) and Section 754.016(b), an inspection report and filing fees ~~[fee]~~ are considered filed on the earlier of:

(1) the date of personal delivery;

(2) the date of postmark ~~[mailing]~~ by United States mail if properly addressed to the executive director; or

(3) the date of deposit with a commercial courier service, if properly addressed to the executive director ~~[commissioner].~~

~~[(e)]~~ ~~If the inspection report and fee required by Subsection (a)(3) are not timely filed, the commissioner may charge the owner of the real property on which the elevator, escalator, or related equipment is located an additional \$100 fee for late filing.~~

~~[(f)]~~ ~~The commissioner may not require that an inspection report or certificate of compliance be placed inside or immediately outside an elevator cab or escalator or in the lobby or hallways of a building.~~

~~[(g)]~~ A fee may not be charged or collected for a certificate of compliance for an institution of higher education as defined in Section 61.003, Education Code.

(e) An owner shall report to the department each accident involving equipment not later than 72 hours following the accident.

Sec. 754.020. CHIEF ELEVATOR INSPECTOR ~~[DEPOSIT OF FEES]~~. The executive director may appoint a chief elevator inspector to administer the equipment inspection and registration program. The chief elevator inspector:

(1) may not have a financial or commercial interest in the manufacture, maintenance, repair, inspection, installation, or sale of equipment; and

(2) must possess a QEI-1 certification or obtain the certification within six months after becoming chief inspector ~~[Fees collected under this subchapter shall be deposited to the credit of an account in the general revenue fund that may be used by the commissioner only to administer and enforce this subchapter and to reimburse expenses of board members provided by this subchapter].~~

Sec. 754.021. LIST OF REGISTERED INSPECTORS AND CONTRACTORS ~~[PERSONNEL]~~. The executive director shall ~~[commissioner may]~~:

(1) compile a list of ~~[ASME-QE1-1]~~ certified inspectors and contractors who are registered with the department ~~[to perform an inspection under this subchapter]; and~~

(2) employ personnel who are ~~as~~ necessary to enforce this subchapter.

Sec. 754.022. NOTICE OF NONCOMPLIANCE. If the department ~~[commissioner]~~ learns of a situation of noncompliance under Section 754.019, the department ~~[commissioner]~~ shall send notice by certified mail of the noncompliance and the actions required to remedy the noncompliance to the record owner of the real property on which the equipment that is the subject of the noncompliance is located.

Sec. 754.023. INVESTIGATION; REGISTRATION ~~[LICENSE]~~ PROCEEDINGS; INJUNCTION; EMERGENCY ORDERS. (a) If there is good cause for the executive director ~~[commissioner]~~ to believe that ~~[an elevator, an escalator, or related]~~ equipment on real property poses an imminent and significant danger ~~[is dangerous]~~ or that an accident involving ~~[an elevator, an escalator, or related]~~ equipment occurred on the property and serious bodily injury or property damage resulted, the executive director ~~[the commissioner]~~ may enter the property during regular business hours after notice to the owner, operator, or person in charge of the property to inspect the ~~[elevator, escalator, or related]~~ equipment or investigate the danger or accident at no cost to the owner.

(b) The executive director ~~[commissioner]~~ may enter real property during regular business hours after notice to the owner, operator, or person in charge of the property to verify, at no cost to the owner, whether an inspection report or certificate of compliance has been displayed as required under Section 754.019(a).

(c) The commission ~~[commissioner]~~ may deny, suspend, or revoke a [the] registration under this subchapter and may assess an administrative penalty ~~[of any ASME QEI 1 certified inspector]~~ for:

- (1) obtaining registration with the executive director ~~[commissioner]~~ by fraud or false representation;
- (2) falsifying a ~~[any inspection]~~ report submitted to the executive director ~~[commissioner]~~; or
- (3) violating this subchapter or a rule adopted under this subchapter.

(d) Proceedings for the denial, suspension, or revocation of a registration and appeals from those proceedings are governed by Chapter 2001, Government Code.

(e) The executive director ~~[commissioner]~~ is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this subchapter or a rule adopted under this subchapter.

(f) ~~[(e)]~~ The executive director ~~[commissioner]~~ may bring suit in a district court in Travis County or in the county in which the violation or threatened violation occurs. If requested, the attorney general shall represent the executive director ~~[commissioner]~~ in the suit.

(g) The executive director may issue an emergency order as necessary to enforce this subchapter if the executive director determines that an emergency exists requiring immediate action to protect the public health and safety.

(h) The executive director may issue an emergency order with simultaneous notice and without hearing or with the notice and opportunity for hearing practicable under the circumstances.

(i) If an emergency order is issued under this section without a hearing, the executive director shall set the time and place for a hearing to affirm, modify, or set aside the emergency order not later than the 10th day after the date the order was issued.

(j) An emergency order may direct a building owner or manager to disconnect power to or lock out equipment if:

(1) the department determines imminent and significant danger to passenger safety exists if action is not taken immediately and reasonable effort has been made for voluntary compliance by notification to the building owner or manager of the danger before the issuance of an emergency order; or

(2) an annual inspection has not been performed in more than two years and:

(A) the department gives the building owner (or manager, or the agent of the building owner or manager, 60 days' written notice by certified mail directing the equipment to be inspected according to this subchapter; and

(B) after the expiration of the notice period under Paragraph (A), the department gives the building owner or manager, or the agent of the building owner or manager, written notice by certified mail stating that an order to disconnect power or lock out equipment will be made after the seventh day after the date notice is delivered.

(k) If an emergency order to disconnect power or lock out equipment is issued, the building owner or manager may have the power reconnected or the equipment unlocked only if:

(1) a registered inspector or contractor or a department representative has filed a written form with the department verifying the imminent and significant danger has been removed by repair, replacement, or other means; and

(2) the building owner, before the reconnection of power or unlocking of equipment, reimburses the department for all expenses incurred relating to the disconnection of power or lockout.

(l) The executive director or the executive director's designee may allow delayed payment if the building owner or manager commits in writing to pay the department for the expenses required by Subsection (k) not later than the 10th day after the date power is reconnected or equipment is unlocked.

(m) If an emergency order to disconnect power or lock out equipment is issued and the building owner later notifies the department that the imminent and significant danger no longer exists, the executive director or the executive director's designee shall, after the requirements of Subsection (k) are satisfied, promptly issue written permission to reconnect power or unlock the equipment and notify the owner.

Sec. 754.024. CRIMINAL PENALTY. (a) A person commits an offense if the person receives notice of noncompliance under Section 754.022 and the person has not remedied the noncompliance or entered into a bona fide contract to remedy the noncompliance before the 61st day after the date on which the notice is received.

(b) An offense under this section is a Class C misdemeanor.

(c) Each day of an offense under Subsection (a) constitutes a separate offense.

Sec. 754.025. APPLICATION OF CERTAIN LAW. (a) Chapter 53, Occupations Code, applies to a registration under this subchapter.

(b) Sections 51.401 and 51.404, Occupations Code, do not apply to this subchapter.

SECTION 11.02. Not later than December 1, 2003, the Texas Commission of Licensing and Regulation shall adopt the rules required by Section 754.016 and Subsection (a), Section 754.019, Health and Safety Code, as amended by this article.

SECTION 11.03. The changes in law made by this article apply only to an inspection report or certificate of compliance issued on or after the effective date of this article. An inspection report or certificate issued before the effective date of this article is covered by the law in effect when the report or certificate was issued and is valid until the renewal date of that report or certificate under the terms of the former law, and the former law is continued in effect for that purpose. On renewal, an inspection report or certificate is subject to Chapter 754, Health and Safety Code, as amended by this article.

SECTION 11.04. (a) This article takes effect September 1, 2003, except that:

(1) a contractor is not required to be registered under Section 754.0171, Health and Safety Code, as amended by this article, before January 1, 2004; and

(2) an escalator constructed before September 1, 2003, is not required to comply with step/skirt index requirements imposed under the 2002 American Society of Mechanical Engineers Safety Code for Elevators and Escalators A17.3 before September 1, 2009.

(b) A member of the elevator advisory board serving on the effective date of this article continues to serve until removed by the governor or until the member's successor is appointed by the governor.

Amendment No. 10 was adopted without objection.

Amendment No. 11

Representative Callegari offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by striking Article 13 of the bill and renumbering the subsequent articles of the bill appropriately.

Amendment No. 11 was adopted without objection.

Amendment No. 12

Representative Hamric offered the following amendment to **CSSB 279**:

Amend **CSSB 279** as follows:

(1) On page 111, line 18, between "department" and "shall", insert ", with the advice of the council,".

(2) On page 118, strike line 4.

(3) On page 119, line 12, between "department" and "shall", insert ", with the advice of the council,".

(4) On page 121, strike line 6.

Representative Solomons moved to table Amendment No. 12.

The motion to table prevailed.

Amendment No. 10 - Vote Reconsidered

Representative Solomons moved to reconsider the vote by which Amendment No. 10 was adopted.

The motion to reconsider prevailed.

Amendment No. 13

Representative Solomons offered the following amendment to Amendment No. 10:

Amend Amendment No. 10 by Geren to **CSSB 279** as follows:

(1) In SECTION 11.01, in amended Section 754.012(a), Health and Safety Code (page 3, line 28), between "commission" and "~~[commissioner]~~", insert "with the commission's approval".

(2) In SECTION 11.01, in amended Section 754.012(c), Health and Safety Code (page 4, line 18), between "commission" and "~~[commissioner]~~", insert "with the commission's approval".

(3) In SECTION 11.01, in amended Section 754.019(a)(1), Health and Safety Code (page 14, line 23), strike "~~[in accordance with the commissioner's rules]~~" and substitute "in accordance with the commission's [commissioner's] rules".

(4) In SECTION 11.02 (page 20, line 29), strike "December 1, 2003" and substitute "March 1, 2004".

Amendment No. 13 was adopted without objection.

Amendment No. 10, as amended, was adopted without objection.

Amendment No. 14

Representative Goolsby offered the following amendment to **CSSB 279**:

Amend **CSSB 279** as follows:

(1) Between ARTICLES 26 and 27 of the bill (House Committee Printing page 125, between lines 25 and 26), insert the following:

ARTICLE 26A. CONSTRUCTION/PROGRAM MANAGERS

SECTION 26A.001. Title 8, Occupations Code, is amended by adding Chapter 1305 to read as follows:

CHAPTER 1305. CONSTRUCTION/PROGRAM MANAGERS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1305.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Construction/program management" means the management of the planning, design, and construction of a capital improvement project or program of capital improvement projects, including project scope development, land acquisition, permitting, cash-flow management, design acquisition and

management, cost estimation, the writing of bid packages, cost and schedule control, contract administration, document control, construction inspection, quality control value engineering, risk management, constructibility review, contracting and project delivery systems, dispute avoidance and resolution, activation, and status reports.

(3) "Construction/program manager" means a person registered to engage in the practice of construction/program management in this state.

(4) "Department" means the Texas Department of Licensing and Regulation.

(5) "Executive director" means the executive director of the department.

Sec. 1305.002. APPLICABILITY OF OTHER LAW. Chapter 51 applies to this chapter, including the power to impose an administrative sanction, assess an administrative penalty, or seek a civil penalty, for a violation of this chapter or a rule or order adopted or entered under this chapter.

Sec. 1305.003. EXEMPTIONS. This chapter does not apply to:

(1) a constructor who manages the planning, design, or construction of a capital improvement project or program of capital improvement projects using:

(A) the construction management at-risk delivery method; or

(B) a method under which the constructor is required to provide performance and payment bonds;

(2) an engineer licensed by the Texas Board of Professional Engineers who is acting within the scope of the license; or

(3) an architect registered by the Texas Board of Architectural Examiners who is acting within the scope of the registration.

[Sections 1305.004-1305.050 reserved for expansion]

SUBCHAPTER B. GENERAL POWERS AND DUTIES

Sec. 1305.051. RULES. (a) The executive director shall adopt rules as necessary to implement this chapter.

(b) The executive director by rule may adopt standards of conduct and quality of work for holders of certificates of registration under this chapter.

Sec. 1305.052. FEES. The commission shall set fees in amounts reasonable and necessary to cover the costs of administering this chapter, including fees for:

(1) certificates of registration issued by the department; and

(2) registration renewals.

[Sections 1305.053-1305.100 reserved for expansion]

SUBCHAPTER C. REGISTRATION REQUIREMENTS

Sec. 1305.101. REGISTRATION REQUIRED. (a) A person may not engage in the practice of construction/program management on behalf of this state or a political subdivision of this state in connection with a capital improvement project that has a cost of more than \$100,000 or a program of capital improvement projects that have an aggregate cost of more than \$100,000 unless the person:

(1) holds a certificate of registration issued under this chapter; or

(2) is an officer or employee of this state or a political subdivision of this state and engages in the practice of construction/program management for the person's employer.

(b) This section does not apply to the practice of construction/program management on behalf of the Texas Department of Transportation.

Sec. 1305.102. REGISTRATION APPLICATION; FEE. An applicant for registration under this chapter must:

(1) submit an application on a form prescribed by the executive director; and

(2) pay the application fee set by the commission.

Sec. 1305.103. ELIGIBILITY FOR REGISTRATION. To be eligible for registration, an applicant must:

(1) be certified by a national construction/program management organization recognized by the executive director; or

(2) meet the following requirements:

(A) submit to the department the names and addresses of five clients who will verify that the applicant has at least four years' experience in the field of construction/program management; and

(B) meet one of the following requirements:

(i) hold a bachelor's or graduate degree in construction management, architecture, engineering, or construction science;

(ii) hold an associate's degree or certificate in construction management, architecture, engineering, or construction science and have at least four years' experience in general design or construction in addition to the experience required by Paragraph (A); or

(iii) have at least eight years' experience in general design or construction in addition to the experience required by Paragraph (A).

Sec. 1305.104. ISSUANCE OF CERTIFICATE OF REGISTRATION. The executive director shall issue a certificate of registration to an applicant who qualifies for registration.

Sec. 1305.105. REQUIRED INSURANCE. A holder of a certificate of registration or the firm employing the person must maintain:

(1) professional liability insurance in the amount of at least \$1 million for each occurrence, with a total aggregate amount of at least \$1 million for all occurrences in a policy year; or

(2) self-insurance in accordance with rules adopted by the executive director in an amount sufficient to pay at least \$1 million for each occurrence, with an aggregate amount of at least \$1 million for all occurrences in a year.

Sec. 1305.106. TERM OF CERTIFICATE OF REGISTRATION. A certificate of registration is valid for a term established by the executive director.

[Sections 1305.107-1305.150 reserved for expansion]

SUBCHAPTER D. RENEWAL OF CERTIFICATE OF REGISTRATION

Sec. 1305.151. PROCEDURE FOR RENEWAL. (a) A person who is otherwise eligible to renew a certificate of registration may renew an unexpired certificate by paying the required renewal fee to the department before the expiration date of the certificate. A person whose certificate has expired may not engage in activities that require a certificate until the certificate has been renewed.

(b) A person whose certificate has been expired for 90 days or less may renew the certificate by paying to the department a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(c) A person whose certificate has been expired for more than 90 days but less than one year may renew the certificate by paying to the department a renewal fee that is equal to two times the normally required renewal fee.

(d) A person whose certificate has been expired for one year or more may not renew the certificate. The person may obtain a new certificate by complying with the requirements and procedures for an original certificate.

Sec. 1305.152. CONTINUING EDUCATION. (a) The department may recognize, prepare, or offer continuing education for holders of certificates of registration.

(b) Participation in continuing education programs is voluntary unless the executive director by rule determines that the department should require participation.

[Sections 1305.153-1305.200 reserved for expansion]

SUBCHAPTER E. ENFORCEMENT

Sec. 1305.201. CEASE AND DESIST ORDERS. The department may issue a cease and desist order.

SECTION 26A.002. (a) A person is not required to obtain a certificate of registration under Chapter 1305, Occupations Code, as added by this Act, until January 1, 2004.

(b) Notwithstanding Subsection (a) of this section, a person who is engaged in the practice of construction/program management before January 1, 2004, and who applies for a certificate of registration under Chapter 1305, Occupations Code, as added by this Act, before that date may continue to engage in that practice until the executive director of the Texas Department of Licensing and Regulation acts on the person's application.

(2) Renumber the ARTICLES and SECTIONS of the bill appropriately.

Amendment No. 15

Representative Solomons offered the following amendment to Amendment No. 14:

Amend Amendment No. 14 by Goolsby to **CSSB 279** as follows:

(1) On page 2, line 21, strike "executive director" and substitute "commission".

Amendment No. 15 was adopted without objection.

Amendment No. 14 failed of adoption.

Amendment No. 16

Representative Talton offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by adding appropriately numbered sections in Article 12 of the bill to read as follows:

SECTION _____. Section 1202.251(b), Occupations Code, is amended to read as follows:

(b) Except as provided by Section 1202.253, requirements [Requirements] and regulations not in conflict with this chapter or with other state law relating to transportation, erection, installation, or use of industrialized housing or buildings must be reasonably and uniformly applied and enforced without distinctions as to whether the housing or buildings are manufactured or are constructed on-site.

SECTION _____. Subchapter F, Chapter 1202, Occupations Code, is amended by adding Section 1202.253 to read as follows:

Sec. 1202.253. MUNICIPAL REGULATION OF SINGLE-FAMILY AND DUPLEX INDUSTRIALIZED HOUSING. (a) Single-family or duplex industrialized housing must have all local permits and licenses that are applicable to other single-family or duplex dwellings.

(b) For purposes of this section, single-family or duplex industrialized housing is real property.

(c) A municipality may adopt regulations that require single-family or duplex industrialized housing to:

(1) have a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized housing is proposed to be located, as determined by the most recent certified tax appraisal roll for each county in which the properties are located;

(2) have exterior siding, roofing, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized housing is proposed to be located;

(3) comply with municipal aesthetic standards, building setbacks, side and rear yard offsets, subdivision control, architectural landscaping, square footage, and other site requirements applicable to single-family dwellings; or

(4) be securely fixed to a permanent foundation.

(d) For purposes of Subsection (c), "value" means the taxable value of the industrialized housing and the lot after installation of the housing.

(e) Except as provided by Subsection (c), a municipality may not adopt a regulation under this section that is more restrictive for industrialized housing than that required for a new single-family or duplex dwelling constructed on-site.

(f) This section does not:

(1) limit the authority of a municipality to adopt regulations to protect historic properties or historic districts; or

(2) affect deed restrictions.

Amendment No. 17

Representative Talton offered the following amendment to Amendment No. 16:

Amend the Talton amendment to **CSSB 279** on page 1, line 27 by inserting the words "roof pitch" between the words "roofing," and "foundation fascia".

Amendment No. 17 was adopted without objection.

Amendment No. 16, as amended, was adopted without objection.

Amendment No. 18

Representative Allen offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by adding the following ARTICLES, appropriately numbered, and renumbering ARTICLE 29 of the bill as appropriate:

ARTICLE 29. ABOLITION OF THE TEXAS FUNERAL SERVICES COMMISSION AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 29.01. Section 651.001, Occupations Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 29.02. Subchapter, Chapter 651, Occupations Code, is amended by adding Sections 651.004 and 651.005 to read as follows:

Sec. 651.004. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter or other law to the Texas Funeral Service Commission means the department.

Sec. 651.005. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 29.03. On September 1, 2003, the following laws are repealed:

- (1) Sections 651.001(2), 651.002, and 651.153, Occupations Code; and
- (2) Subchapters B, C, and E, Chapter 651, Occupations Code.

SECTION 29.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 651, Occupations Code, performed by the Texas Funeral Service Commission immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Funeral Service Commission that relates to Chapter 651, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Funeral Service Commission that relates to Chapter 651, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Funeral Service Commission that is related to Chapter 651, Occupations Code, is transferred without change in status to the Texas Department of Licensing and

Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Funeral Service Commission in an action or proceeding to which the Texas Funeral Service Commission is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Funeral Service Commission related to Chapter 651, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Funeral Service Commission related to Chapter 651, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Funeral Service Commission related to Chapter 651, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 29.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 651.005, Occupations Code, as added by this Act.

ARTICLE 30. ABOLITION OF THE TEXAS STRUCTURAL PEST CONTROL BOARD AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 30.01. Section 1951.002, Occupations Code, is amended by adding Subdivision (6-a) to read as follows:

(6-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 30.02. Subchapter A, Chapter 1951, Occupations Code, is amended by adding Sections 1951.008 and 1951.009 to read as follows:

Sec. 1951.008. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter to the board or a reference in other law to the Texas Structural Pest Control Board means the department.

Sec. 1951.009. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 30.03. On September 1, 2003, the following laws are repealed:

(1) Sections 1951.002(2), 1951.007, and 1951.206, Occupations Code; and

(2) Subchapters C, D, and F, Chapter 1951, Occupations Code.

SECTION 30.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 1951, Occupations Code, performed by the Texas Structural Pest Control Board immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Structural Pest Control Board that relates to Chapter 1951, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Structural Pest Control Board that relates to Chapter 1951, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Structural Pest Control Board that is related to Chapter 1951, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Structural Pest Control Board in an action or proceeding to which the Texas Structural Pest Control Board is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Structural Pest Control Board related to Chapter 1951, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Structural Pest Control Board related to Chapter 1951, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Structural Pest Control Board related to Chapter 1951, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 30.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1951.009, Occupations Code, as added by this Act.

ARTICLE 31. ABOLITION OF THE TEXAS STATE BOARD OF PLUMBING EXAMINERS AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 31.01. Section 1301.002(1), Occupations Code, is amended to read as follows:

(1) "Department" [~~"Board"~~] means the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~].

SECTION 31.02. Subchapter A, Chapter 1301, Occupations Code, is amended by adding Sections 1301.004 and 1301.005 to read as follows:

Sec. 1301.004. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter to the board or a reference in other law to the Texas State Board of Plumbing Examiners means the department.

Sec. 1301.005. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 31.03. On September 1, 2003, the following laws are repealed:

(1) Sections 1301.003, 1301.204, 1301.252, 1301.301, and 1301.303, Occupations Code; and

(2) Subchapter C, Chapter 1301, Occupations Code.

SECTION 31.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 1301, Occupations Code, performed by the Texas State Board of Plumbing Examiners immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas State Board of Plumbing Examiners that relates to Chapter 1301, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas State Board of Plumbing Examiners that relates to Chapter 1301, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas State Board of Plumbing Examiners that is related to Chapter 1301, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas State Board of Plumbing Examiners in an action or proceeding to which the Texas State Board of Plumbing Examiners is a party;

(5) all money, contracts, leases, property, and obligations of the Texas State Board of Plumbing Examiners related to Chapter 1301, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas State Board of Plumbing Examiners related to Chapter 1301, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas State Board of Plumbing Examiners related to Chapter 1301, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 31.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1301.005, Occupations Code, as added by this Act.

ARTICLE 32. ABOLITION OF THE TEXAS COSMETOLOGY COMMISSION AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 32.01. Section 1602.001, Occupations Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 32.02. Subchapter A, Chapter 1602, Occupations Code, is amended by adding Sections 1602.005 and 1602.006 to read as follows:

Sec. 1602.005. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter to the commission or a reference in other law to the Texas Cosmetology Commission means the department.

Sec. 1602.006. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 32.03. On September 1, 2003, the following laws are repealed:

(1) Sections 1602.001(1), 1602.004, and 1602.152, Occupations Code; and

(2) Subchapters B, C, and E, Chapter 1602, Occupations Code.

SECTION 32.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 1602, Occupations Code, performed by the Texas Cosmetology Commission immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Cosmetology Commission that relates to Chapter 1602, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Cosmetology Commission that relates to Chapter 1602, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Cosmetology Commission that is related to Chapter 1602, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas

Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Cosmetology Commission in an action or proceeding to which the Texas Cosmetology Commission is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Cosmetology Commission related to Chapter 1602, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Cosmetology Commission related to Chapter 1602, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Cosmetology Commission related to Chapter 1602, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 32.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1602.006, Occupations Code, as added by this Act.

ARTICLE 33. TRANSFER OF THE CHAPTER 1201, OCCUPATIONS CODE POWERS AND DUTIES OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 33.01. Section 1201.003(7), Occupations Code, is amended to read as follows:

(7)"Department" means the Texas Department of Licensing and Regulation [~~Housing and Community Affairs~~].

SECTION 33.02. Subchapter A, Chapter 1201, Occupations Code, is amended by adding Section 1201.009 to read as follows:

Sec. 1201.009. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 33.03. On September 1, 2003:

(1) all functions and activities relating to Chapter 1201, Occupations Code, performed by the Texas Department of Housing and Community Affairs immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Department of Housing and Community Affairs that relates to Chapter 1201, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Department of Housing and Community Affairs that relates to Chapter 1201, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Department of Housing and Community Affairs that is related to Chapter 1201, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Department of Housing and Community Affairs in an action or proceeding to which the Texas Department of Housing and Community Affairs is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Department of Housing and Community Affairs related to Chapter 1201, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Department of Housing and Community Affairs related to Chapter 1201, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Department of Housing and Community Affairs related to Chapter 1201, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 33.04. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1201.009, Occupations Code, as added by this Act.

ARTICLE 34. ABOLITION OF THE STATE BOARD OF BARBER EXAMINERS AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 34.01 Section 1601.001, Occupations Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 34.02. Subchapter A, Chapter 1601, Occupations Code, is amended by adding Sections 1601.005 and 1601.006 to read as follows:

Sec. 1601.005. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter to the board or a reference in other law to the State Board of Barber Examiners means the department.

Sec. 1601.006. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 34.03. On September 1, 2003, the following laws are repealed:

(1) Sections 1601.001(3), 1601.004, and 1601.153, Occupations Code; and

(2) Subchapters B, C, and E, Chapter 1601, Occupations Code.

SECTION 34.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 1601, Occupations Code, performed by the State Board of Barber Examiners immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the State Board of Barber Examiners that relates to Chapter 1601, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the State Board of Barber Examiners that relates to Chapter 1601, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the State Board of Barber Examiners that is related to Chapter 1601, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the State Board of Barber Examiners in an action or proceeding to which the State Board of Barber Examiners is a party;

(5) all money, contracts, leases, property, and obligations of the State Board of Barber Examiners related to Chapter 1601, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the State Board of Barber Examiners related to Chapter 1601, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the State Board of Barber Examiners related to Chapter 1601, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 34.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1601.006, Occupations Code, as added by this Act.

ARTICLE 35. ABOLITION OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 35.01 Section 1071.002, Occupations Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 35.02. Subchapter A, Chapter 1071, Occupations Code, is amended by adding Sections 1071.005 and 1071.006 to read as follows:

Sec. 1071.005. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter to the board or a reference in other law to the Texas Board of Professional Land Surveyors means the department.

Sec. 1071.006. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 35.03. On September 1, 2003, the following laws are repealed:

- (1) Sections 1071.002(1) and 1071.003, Occupations Code; and
- (2) Subchapters B, C, and E, Chapter 1071, Occupations Code.

SECTION 35.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 1071, Occupations Code, performed by the Texas Board of Professional Land Surveying immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Board of Professional Land Surveying that relates to Chapter 1071, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Board of Professional Land Surveying that relates to Chapter 1071, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Board of Professional Land Surveying that is related to Chapter 1071, Occupations Code, is transferred without change in status to the Texas

Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Board of Professional Land Surveying in an action or proceeding to which the Texas Board of Professional Land Surveying is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Board of Professional Land Surveying related to Chapter 1071, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Board of Professional Land Surveying related to Chapter 1071, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Board of Professional Land Surveying related to Chapter 1071, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 35.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1071.006, Occupations Code, as added by this Act.

ARTICLE 36. ABOLITION OF THE TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 36.01 Section 1.02(1), Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is amended to read as follows:

(1) "Department" [~~"Board"~~] means the Texas Department of Licensing and Regulation [~~Board of Professional Geoscientists~~].

SECTION 36.02. Subchapter A, Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is amended by adding Sections 1.05 and 1.06 to read as follows:

Sec. 1.05. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this Act. If in administering this Act there is a conflict between a provision of this Act and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this Act to the board or a reference in other law to the Texas Board of Professional Geoscientists means the department.

Sec. 1.06. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this Act.

SECTION 36.03. On September 1, 2003, the following laws are repealed:

(1) Sections 1.03, 3.01, 3.02(a), 3.03, 3.04, 3.05, and 3.06, Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes); and

(2) Subchapters B and E, Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes).

SECTION 36.04. On September 1, 2003:

(1) all functions and activities relating to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), performed by the Texas Board of Professional Geoscientists immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Board of Professional Geoscientists that relates to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Board of Professional Geoscientists that relates to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Board of Professional Geoscientists that is related to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Board of Professional Geoscientists in an action or proceeding to which the Texas Board of Professional Geoscientists is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Board of Professional Geoscientists related to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Board of Professional Geoscientists related to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Board of Professional Geoscientists related to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is transferred to the Texas Department of Licensing and Regulation.

SECTION 36.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1.06, Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), as added by this Act.

CSSB 279 - STATEMENT OF LEGISLATIVE INTENT

Amendment No. 18

REPRESENTATIVE GARZA: The intent of the advisory council, and specifically for Texas Board of Land Surveyors, is so that they will have what duties?

REPRESENTATIVE ALLEN: The purpose of appointing the advisory council is to act as an advisor regarding the scope and practice and professional qualifications. They're in effect going to serve as a governing board for those kinds of issues that would arise even though they are consolidated in their licensing function under TDLR. So they would serve as a policy board.

GARZA: So, there will be no change to scope of services, to testing, that will not have the approval, the full approval of the advisory council? The TLR would not make changes that the advisory council would not approve. Is that correct?

ALLEN: That is correct.

REMARKS ORDERED PRINTED

Representative Garza moved to print remarks between Representative Garza and Representative Allen.

The motion prevailed without objection.

Amendment No. 18 was withdrawn.

Amendment No. 19

Representative Gallego offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by adding an appropriately numbered ARTICLE and renumbering the subsequent ARTICLES of the bill appropriately:

ARTICLE _____. RENTAL-PURCHASE AGREEMENTS

SECTION _____. Section 35.71, Business & Commerce Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Loss damage waiver" means a merchant's agreement not to hold a consumer liable for loss from all or part of any damage to merchandise.

SECTION _____. Section 35.72(c), Business & Commerce Code, is amended to read as follows:

(c) A rental-purchase agreement may not contain a provision:

- (1) requiring a confession of judgement;
- (2) authorizing a merchant or an agent of the merchant to commit a breach of the peace in the repossession of merchandise;
- (3) waiving a defense, counterclaim, or right the consumer may have against the merchant or an agent of the merchant;
- (4) requiring the purchase of insurance or a loss damage waiver from the merchant to cover the merchandise;
- (5) requiring the payment of a late charge or reinstatement fee unless a periodic payment is delinquent for more than seven days if the payment is due monthly, or is delinquent for more than three days if the payment is due more frequently than month, and the charge or fee is in an amount equal to not more than the lesser of five percent of the delinquent payment or \$5, and not less than \$2; or
- (6) requiring a payment at the end of the scheduled rental-purchase term in excess of or in addition to a regular periodic payment in order to acquire ownership of the merchandise. In no event shall the consumer be required to pay a sum greater than the total amount to be paid to acquire ownership, as disclosed in Subsection (g) (3) of this section.

SECTION _____. Subchapter F, chapter 35, Business & Commerce Code, is amended by adding Section 35.721 to read as follows:

Sec. 35.721. LOSS DAMAGE WAIVER. (a) In addition to other charges permitted by this subchapter, a consumer may contract for a loss damage waiver. A loss damage waiver is not insurance.

(b) A merchant may not sell a loss damage waiver unless the consumer agrees to the waiver in writing. A merchant may not impose or require the purchase of a loss damage waiver as a mandatory charge.

(c) A loss damage waiver may exclude loss or damage to the merchandise that is caused by an unexplained disappearance or abandonment of the merchandise, or any other damage that is intentionally caused by the consumer or that results from the consumer's wilful or wanton misconduct.

(d) A loss damage waiver agreement must include a statement of the total charge for the loss damage waiver.

(e) A merchant may charge a periodic fee for a loss damage waiver that may not exceed 10 percent of the periodic rental payment.

(f) A contract that offers a loss damage waiver must include the following notice:

"This contract offers an optional loss damage waiver for an additional charge to cover your responsibility for loss of or damage to the merchandise. You do not have to purchase this coverage. Before deciding whether or not to purchase this loss damage waiver, you may consider whether your own homeowners' or casualty insurance policy affords you coverage for loss of or damage to rental merchandise and the amount of the deductible you would pay under your policy."

(g) A merchant may not sell a loss damage waiver unless the form of the contract containing the waiver has been approved by the Texas Department of Licensing and Regulation.

(h) The Texas Commission of Licensing and Regulation shall by rule:

(1) provide for annual submission of all contract forms, and all amendments to contract forms, containing a loss damage waiver for review; and

(2) establish a reasonable fee to be paid by the merchant for the review of contract forms and for Texas Department of Licensing and Regulation administration of this subchapter.

SECTION _____. Subchapter F, Chapter 35, Business and Commerce Code, is amended by adding Section 35.722 to read as follows:

Section 35.722 ENFORCEMENT; INVESTIGATION; HEARING.

(a) The Executive Director of the Texas Department of Licensing and Regulation shall enforce Section 35.721 and may investigate any merchant who has one or more contracts that include loss damage waivers as necessary.

(b) A person may file a complaint alleging a violation of Section 35.721 with the Executive Director of the Texas Department of Licensing and Regulation, who shall investigate the alleged violation on receipt of the complaint, and may inspect any records relevant to the complaint.

(c) If, as a result of an investigation, the Executive Director of the Texas Department of Licensing and Regulation determines that a violation may have occurred, an opportunity for a hearing shall be provided pursuant to the provisions of the Administrative Procedure Act, Gov't Code, Chapter 2001.

(d) If, after opportunity for hearing, the Texas Commission of Licensing and Regulation determines that the merchant has violated Section 35.721, the Commission may, as appropriate:

(1) impose an administrative penalty pursuant to Occupations Code, Chapter 51, Subchapter F, and

(2) award the complainant damages in an amount up to the amount of the contract price for the merchandise.

SECTION _____. The change in law made by this article applies only to a rental-purchase agreement entered into on or after the effective date of this Act. A rental-purchase agreement entered into before the effective date of this Act is governed by the law in effect on the date on which the rental-purchase agreement was entered into, and the former law is continued in effect for that purpose.

Amendment No. 19 was withdrawn.

Amendment No. 20

Representative Hartnett offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by adding the following ARTICLE and SECTIONS, appropriately numbered, and renumbering the ARTICLES and SECTIONS of the bill as appropriate:

ARTICLE _____. REGULATION OF PRIVATE PROCESS SERVERS

Section _____.01. The Civil Practice and Remedies Code is amended by adding Title 8 to read as follows:

TITLE 8. CIVIL PROCESS

CHAPTER 191. PRIVATE PROCESS SERVERS

Sec. 191.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(3) "Executive director" means the executive director of the department.

Sec. 191.002. APPLICABILITY OF CHAPTER. (a) This chapter does not apply to a sheriff, constable, or clerk of a court engaged in the discharge of that person's official duties.

(b) This chapter does not limit or restrict the service of process in this state as provided by a court order.

(c) Chapter 51, Occupations Code, applies to this chapter.

Sec. 191.003. RULES. The commission shall adopt rules for the implementation of this chapter.

Sec. 191.004. FEES. The commission by rule shall set fees in amounts reasonable and necessary to cover the costs of administering this chapter.

Sec. 191.005. LICENSE OR REGISTRATION REQUIRED. A person may not serve civil process in this state unless the person is licensed or registered under this chapter.

Sec. 191.006 LICENSE APPLICATION; TEMPORARY LICENSE. (a) An applicant for an initial process server license under this chapter must submit an application on a form prescribed by the executive director. To be eligible for a license under this section, an applicant must:

(1) be at least 18 years of age;

(2) not have been convicted of a misdemeanor involving moral turpitude or a felony;

(3) submit the nonrefundable application fee; and

(4) comply with the requirements adopted under Subsection (b).

(b) Each license applicant must provide proof to the department, in a manner acceptable to the department, of:

(1) completion of a department-approved seminar consisting of at least eight hours of instruction in civil process; and

(2) maintenance of insurance coverage as required by rules adopted by the commission.

(c) An applicant who is employed in this state as a sheriff, constable, or clerk of a court is exempt from any requirement for a criminal background check and any civil process instruction requirements for a license under this chapter.

(d) The executive director shall issue a temporary license not later than the 30th day after the date an applicant submits evidence satisfactory to the department that the applicant has properly completed the application, has paid all required fees, and meets all of the qualifications established by this chapter and by rule of the commission. A temporary license is valid for not more than 90 days after the date of issuance. If, on completion of the license application process, the executive director denies an application for a license, the applicant shall return the applicant's temporary license and immediately stop serving process under this chapter.

Sec. 191.007. AGENT REGISTRATION. (a) A person registered under this chapter as the agent of a license holder may execute civil process under this chapter on behalf of the license holder.

(b) An applicant for an agent registration shall submit an application to the department on a form prescribed by the executive director. To be eligible for registration under this section, an applicant must:

(1) be at least 18 years of age;

(2) not have been convicted of a misdemeanor involving moral turpitude or a felony;

(3) provide proof to the department, in a manner acceptable to the department, that the applicant:

(A) has completed a department-approved seminar consisting of at least eight hours of instruction in civil process; and

(B) maintains insurance coverage as required by rules adopted by the commission; and

(4) submit the nonrefundable application fee and the registration fee.

(c) An applicant who is employed in this state as a sheriff, constable, or clerk of a court is exempt from any requirement for a criminal background check and any civil process instruction requirements for an agent registration under this chapter.

Sec. 191.008. POWERS AND DUTIES OF LICENSE HOLDERS AND REGISTERED AGENTS. A license holder or registered agent may serve civil process issued by the courts of this state in the manner provided by law for service by sheriffs and constables. The person may serve the process on any day of the week anywhere in this state.

Sec. 191.009. PUBLIC SERVANT; OFFICER OF COURT. Each license holder and registered agent shall be considered to be a public servant when performing duties related to serving process and considered to be an officer of the civil courts of this state, but may not be considered to be a peace officer based on that license or registration. An assault on a license holder or registered agent shall be treated as an assault on a public servant.

Sec. 191.010. ENFORCEMENT. (a) The commission may assess and collect administrative penalties for a violation of this chapter or a commission rule or order under Chapter 51, Occupations Code.

(b) The commission may issue administrative sanctions for a violation of this chapter or a commission rule or order under Chapter 51, Occupations Code.

(c) The department may issue cease and desist orders.

SECTION _____. 02. (a) Except as provided by Subsection (b) of this section, this article takes effect September 1, 2003.

(b) Section 191.005, Civil Practice and Remedies Code, as added by this Act, takes effect March 31, 2004.

Amendment No. 20 was adopted without objection.

Amendment No. 21

Representative Chisum offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by inserting the following appropriately numbered article in the bill and renumbering the subsequent articles of the bill accordingly:

ARTICLE _____. WEATHER MODIFICATION

SECTION __.001. Section 20.001, Agriculture Code, as added by Chapter 376, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 20.001. FINDINGS. The legislature finds that weather modification and control activities may have a significant impact on Texas agriculture. The legislature further finds that the Texas Department of Licensing and Regulation [~~Agriculture~~] is the proper state agency to administer grants to political subdivisions for weather modification and control activities.

SECTION __.002. Section 20.002, Agriculture Code, as added by Chapter 376, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 20.002. DEFINITIONS [~~DEFINITION~~]. In this chapter:

(1) "Department" means the Texas Department of Licensing and Regulation.

(2) "Weather[~~-"weather~~] modification and control" means changing or controlling, or attempting to change or control, by artificial methods the natural development of atmospheric cloud forms or precipitation forms that occur in the troposphere.

SECTION __.003. (a) On the effective date of this article, in accordance with the General Appropriations Act enacted by the 78th Legislature:

(1) all powers, duties, obligations, rights, and contracts of the Department of Agriculture associated with the weather modification and control grant program are transferred to the Texas Department of Licensing and Regulation;

(2) all authority to fill full-time equivalent positions to administer the weather modification and control grant program and all unspent and unobligated appropriations to and other money held by the Department of Agriculture in connection with the program are transferred to the Texas Department of Licensing and Regulation; and

(3) all files, records, equipment, and other property of the Department of Agriculture that are used by that agency in connection with the administration of the weather modification and control grant program become the property of the Texas Department of Licensing and Regulation, but remain in the same location unless moved in accordance with the memorandum of understanding adopted under Subsection (b) of this section.

(b) The Department of Agriculture and the Texas Department of Licensing and Regulation shall adopt a memorandum of understanding not later than the 30th day after the effective date of this article that provides for the transfer, by that date, of any files, records, equipment, property, and personnel necessary to accomplish the transfer of the weather modification and control grant program from the Department of Agriculture to the Texas Department of Licensing and Regulation.

Amendment No. 21 was adopted without objection.

Amendment No. 22

Representative Pitts offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by adding the following appropriately numbered ARTICLE and SECTIONS and renumbering the ARTICLES and SECTIONS of the bill accordingly:

ARTICLE ____. COMBATIVE SPORTS

SECTION __.001. Chapter 2052, Occupations Code, is amended to read as follows:

CHAPTER 2052. COMBATIVE SPORTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 2052.001. LEGISLATIVE DECLARATION. This chapter shall be liberally construed and applied to promote its underlying purposes.

Sec. 2052.002. DEFINITIONS. In this chapter:

(1) "Boxing" includes kickboxing, in which a person delivers blows with any part of the arm below the shoulder, including the hand, and any part of the leg below the hip, including the foot.

(2) "Boxing promoter" means a person who arranges, advertises, or conducts a boxing event.

(3) "Commission" means the Texas Commission of Licensing and Regulation [~~"Championship tournament" means a state, regional, national, or international elimination tournament in which the winners of elimination tournaments compete for a championship in each weight category.~~].

(4) ~~["Commissioner" means the commissioner of licensing and regulation or the commissioner's designated representative.~~

~~[(5)] "Department" means the Texas Department of Licensing and Regulation.~~

~~(5) [(6)] "Elimination tournament" means a boxing contest in which elimination tournament contestants compete in a series of matches until not more than one contestant remains in any weight category. The term does not include a boxing event described by Section 2052.108.~~

~~(6) "Executive director" means the executive director of the department or the executive director's designated representative.~~

~~(7) ["Elimination tournament boxing promoter" means a person who arranges, advertises, or conducts an elimination tournament.~~

~~[(8)] "Elimination tournament contestant" means a person who competes in an elimination tournament.~~

~~[(9)] "Exhibition" means a boxing or wrestling skills demonstration.~~

~~(8) [(10)] "Event" means a contest, match, or exhibition.~~

~~(9) [(11)] "Judge" means a person who is:~~

~~(A) located at ringside during a boxing match; and~~

~~(B) responsible for scoring the performances of the participants in the match.~~

~~(10) [(12)] "Local tournament" means an elimination tournament in which only a resident of this state may compete.~~

~~[(13)] "Professional boxer" means a person who competes in a boxing event in this state conducted for a purse or compensation.~~

~~(11) "Promoter" means a boxing promoter or wrestling promoter.~~

~~(12) [(14)] "Referee" means a person who:~~

~~(A) is present in the ring during a boxing event; and~~

~~(B) exercises general supervision of the event.~~

~~(13) "Ringside physician" means an individual licensed to practice medicine in this state who is registered with the department.~~

~~(14) [(15)] "Regional tournament" means an elimination tournament in which a contestant from outside of the immediate area in which the tournament is conducted may compete against local contestants.~~

~~[(16)] "Wrestling promoter" means a person who arranges, advertises, or conducts a wrestling event.~~

SUBCHAPTER B. POWERS AND DUTIES OF DEPARTMENT AND COMMISSIONER

Sec. 2052.051. ADMINISTRATION OF CHAPTER. The department shall administer this chapter.

Sec. 2052.052. RULES. (a) The executive director ~~[commissioner]~~ shall adopt reasonable and necessary rules to administer this chapter.

(b) The executive director ~~[commissioner]~~ may adopt rules:

(1) governing professional kickboxing contests and exhibitions; ~~[and]~~

(2) establishing reasonable qualifications for an applicant seeking a license from the department under this chapter;

(3) recognizing a sanction, medical suspension, or disqualification of a license holder by a combative sports authority in any state, provided that if licensure is denied based on those actions, an applicant has a right to a hearing as prescribed by rule;

(4) establishing practice requirements or specialty certifications that a person licensed to practice medicine in this state must meet to register as a ringside physician;

(5) requiring a contestant to present to the executive director at the time of weigh-in an original copy of recent blood test results that demonstrate whether the contestant is free from hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by rule of the executive director and providing that a contestant's failure to provide the required blood test results will disqualify the contestant;

(6) providing that to participate in any event a contestant must be free of hepatitis B virus, hepatitis C virus, human immunodeficiency virus, and any other communicable disease designated by rule;

(7) requiring that a contestant undergo a physical examination, including an ophthalmological examination, at or near the time of weigh-in and providing for disqualification of a contestant who is determined by an examining physician to be unfit; and

(8) establishing additional responsibilities for promoters.

Sec. 2052.053. INVESTIGATIVE AUTHORITY. (a) The executive director [~~commissioner~~] shall investigate allegations of activity that may violate this chapter.

(b) The executive director [~~commissioner~~] may enter, at a reasonable time, a place of business or an establishment in which activity alleged to violate this chapter may occur. The executive director [~~commissioner~~] is not required to give advance notice before entering.

Sec. 2052.054. CONTINUING EDUCATION. (a) The executive director [~~commissioner~~] may recognize, prepare, or administer continuing education programs for persons licensed under this chapter.

(b) Participation in a continuing education program under Subsection (a) is voluntary.

Sec. 2052.055. MEDICAL ADVISORY COMMITTEE. (a) The executive director may appoint a medical advisory committee to advise the department concerning health issues for boxing event contestants.

(b) If the executive director elects to appoint an advisory committee, the executive director by rule shall establish:

(1) the number of committee members;

(2) qualifications for appointment to the committee; and

(3) the purpose and duties of the committee.

SUBCHAPTER C. LICENSING, REGISTRATION, AND PERMITS

Sec. 2052.101. BOXING PROMOTER LICENSE. A person may not act as a boxing promoter [~~or an elimination tournament boxing promoter~~] unless the person holds a license issued under this chapter.

Sec. 2052.102. BOXING PROMOTER LICENSE APPLICATION REQUIREMENTS. (a) An applicant for a boxing promoter's license under this chapter must apply on a form furnished by the executive director [~~commissioner~~].

(b) An application must be accompanied by:

- (1) a license fee in an amount set by the department [~~commission~~]; and
- (2) a surety bond:

(A) subject to approval by the executive director [~~commissioner~~];

and

(B) conditioned on the applicant's payment of the tax imposed under Section 2052.151.

(c) The executive director [~~commissioner~~] shall establish the amount of the surety bond required under Subsection (b). The bond amount may not be less than \$300.

~~Sec. 2052.103. [ELIMINATION TOURNAMENT BOXING PROMOTER LICENSE APPLICATION REQUIREMENTS. (a) An applicant for an elimination tournament boxing promoter's license under this chapter must apply on a form furnished by the commissioner.~~

~~[(b) An application must be accompanied by an application fee of not more than \$1,000 and, if the applicant charges a fee for admission to the elimination tournament or awards a trophy, prize, including a prize of money, or other item of value of more than \$50 to a contestant winning the elimination tournament:~~

~~[(1) a \$50,000 surety bond subject to approval by the commissioner and conditioned on the applicant's payment of:~~

~~[(A) the tax imposed under Section 2052.151; and~~

~~[(B) a claim against the applicant as described by Section 2052.109(a)(3); and~~

~~[(2) proof of not less than \$10,000 accidental death or injury insurance coverage for each contestant participating in the elimination tournament.~~

~~[Sec. 2052.104. ELIMINATION TOURNAMENT BOXING PROMOTER ANNUAL LICENSE FEE. The annual fee for an elimination tournament boxing promoter's license may not exceed \$1,000.~~

~~[Sec. 2052.105.] WRESTLING PROMOTER REGISTRATION. A person may not act as a wrestling promoter unless the person is registered with the secretary of state under this chapter.~~

Sec. 2052.104 [~~2052.106~~]. WRESTLING PROMOTER APPLICATION REQUIREMENTS. (a) Registration as a wrestling promoter must be made on a form furnished by the secretary of state.

(b) A registration must be accompanied by:

(1) a registration fee prescribed by the secretary of state in an amount reasonably necessary to cover the costs of administering the wrestling promoters registration program; and

(2) a \$5,000 surety bond to be filed with the secretary of state.

Sec. 2052.105 [~~2052.107~~]. OTHER BOXING LICENSES. Unless a person holds a license or registration issued under this chapter, the person may not act as a:

- (1) professional boxer;

- (2) manager of a professional boxer;
- (3) referee;
- (4) judge;
- (5) second;
- (6) timekeeper; ~~[or]~~
- (7) matchmaker; or
- (8) ringside physician.

Sec. ~~2052.106~~ ~~[2052.108]~~. APPLICATION REQUIREMENTS FOR OTHER LICENSES. (a) An application for a license under Section 2052.105 ~~[2052.107]~~ must be made on a form furnished by the executive director ~~[commissioner]~~.

(b) An application must be accompanied by the required license fee.

Sec. ~~2052.107~~ ~~[2052.109]~~. SURETY BOND. (a) A surety bond required under this subchapter must:

- (1) be issued by a company authorized to conduct business in this state;
- (2) comply with the applicable requirements of the Insurance Code;
- (3) be payable to the state for use by the state or a political subdivision that establishes that the boxing or wrestling promoter is liable to it for damages, penalties, taxes, or other expenses resulting from promotional activities conducted in this state; and
- (4) be open to more than one claim, except that the claims may not exceed the face value of the bond.

(b) A person required to file a surety bond under this subchapter shall file a new bond annually.

(c) A company that issues a bond shall notify the department in writing of the cancellation of the bond not later than the 30th day before the date on which the bond is canceled.

Sec. ~~2052.108~~ ~~[2052.110]~~. LICENSE AND BONDING EXCEPTIONS. The licensing and bonding requirements of this subchapter do not apply to:

(1) a boxing event in which the participants do not receive a money remuneration, purse, or prize for their performances or services if the event is promoted, conducted, or maintained by:

- (A) an educational institution;
- (B) a law enforcement organization;
- (C) a Texas National Guard Unit; or
- (D) an amateur athletic organization recognized by the executive director ~~[commissioner]~~;

(2) an event conducted by a nonprofit amateur athletic association chartered under the law of this state, including a membership club affiliated with the association located within this state and recognized by the executive director ~~[commissioner]~~;

(3) an event conducted by a college, school, or university that is part of the institution's athletic program in which only students of different educational institutions participate; ~~[or]~~

(4) an event in which only members of a troop, battery, company, or unit of the Texas National Guard or a law enforcement agency participate; or

(5) an event conducted by an organization of the Olympic Games, the Paralympic Games, or the Pan-American Games.

Sec. 2052.109 [~~2052.111~~]. DENIAL OF APPLICATION. The executive director [~~commissioner~~] may deny an application for a license if:

- (1) the applicant does not meet the qualifications for the license; or
- (2) after conducting an investigation and a hearing, the executive director [~~commissioner~~] determines that the applicant has violated this chapter or a rule adopted under this chapter.

Sec. 2052.110 [~~2052.112~~]. RECIPROCITY AGREEMENT. The executive director [~~commissioner~~] may waive a license requirement under this subchapter if the applicant holds a license issued by another state that has a reciprocity agreement with this state.

Sec. 2052.111 [~~2052.113~~]. LICENSE AND PERMIT REQUIRED FOR CLOSED CIRCUIT BOXING TELECAST. A person who exhibits in this state a simultaneous telecast of a live, spontaneous, or current boxing event on a closed circuit telecast in which a fee is charged for admission to the telecast must:

- (1) hold a boxing promoter's license under this chapter; and
- (2) obtain a permit for the closed circuit telecast.

Sec. 2052.112. LICENSE, REGISTRATION, AND PERMIT TERM AND RENEWAL. (a) A license, registration, or permit issued under this chapter is valid for one year after the date of issuance.

(b) The holder of a license, registration, or permit may renew the license, registration, or permit by paying a renewal fee and complying with other renewal requirements prescribed by department rule before the expiration date. The department shall issue a renewal certificate to the holder at the time of renewal.

Sec. 2052.113. PROMOTER RESPONSIBILITIES. For each promoted event, a promoter shall:

- (1) assure that all contestants scheduled to participate are licensed before the event;
- (2) provide that an ambulance, serviced by at least two emergency medical technicians, is present on the premises where the event is held;
- (3) provide for a physical examination of each contestant that complies with rules adopted under this chapter; and
- (4) comply with all applicable rules adopted by the executive director or the commission.

SUBCHAPTER D. GROSS RECEIPTS TAX

Sec. 2052.151. IMPOSITION AND RATE OF TAX. (a) A tax is imposed on a person who:

- (1) conducts a boxing event [~~, including an elimination tournament,~~] in which a fee is charged for admission to the event;
- (2) exhibits in this state a simultaneous telecast of a live, spontaneous, or current boxing event on a closed circuit telecast, in which a fee is charged for admission to the telecast; or
- (3) conducts or sponsors an amateur boxing event, other than an event exempt from licensing under Section 2052.108(2) [~~2052.110(2)~~], (3), ~~(4)~~, (5), in which a fee is charged for admission to the event.

(b) The rate of the tax is three percent of the gross receipts obtained from the event.

Sec. 2052.152. TAX REPORT AND PAYMENT. (a) A person on whom a tax is imposed under Section 2052.151, not later than 72 hours after the end of the event or telecast for which the tax is due, shall submit to the department a verified report on a form furnished by the department stating:

- (1) the number of tickets sold to the event;
- (2) the ticket prices charged; ~~and~~
- (3) the gross price charged for the sale or lease of broadcasting, television, and motion picture rights without any deductions for commissions, brokerage fees, distribution fees, advertising, or other expenses or charges; and
- (4) the amount of gross receipts obtained from the event.

(b) The person shall attach to the report a cashier's check or money order payable to this state in the amount of the tax imposed on the event covered by the report.

(c) The department may audit a report filed under Subsection (b).

Sec. 2052.153. CLOSED CIRCUIT TELECAST. A person exhibiting a simultaneous telecast of a live, spontaneous, or current boxing event on a closed circuit telecast in which a fee is charged for admission to the exhibition:

- (1) must:
 - (A) be a boxing promoter; and
 - (B) obtain a permit for each telecast exhibited; and
- (2) shall comply with the tax provisions of Section 2052.151.

~~[Sec. 2052.154. CERTAIN AMATEUR EVENTS. A person shall comply with the tax requirements imposed under Section 2052.151 if the person:~~

- ~~(1) conducts or sponsors an amateur boxing event, except an event conducted under Section 2052.110(2), (3), or (4); and~~
- ~~(2) charges an event admission fee.]~~

SUBCHAPTER E. ~~[REGULATION OF]~~ ELIMINATION TOURNAMENTS

Sec. 2052.201. ELIMINATION TOURNAMENTS PROHIBITED ~~[GENERAL RULES]~~. ~~[(a)]~~ An elimination tournament may not ~~[only]~~ be held in this state ~~[conducted as a one-night or two-night event]~~.

~~[(b) An elimination tournament match consists of three one-minute rounds with an interval of at least one minute between rounds.~~

~~[(c) The standing eight count and the three knock-down rules apply to an elimination tournament.~~

~~[(d) An elimination tournament contestant must be randomly matched with an opponent in the same weight category as the contestant during the preliminary round of an elimination tournament.~~

~~[Sec. 2052.202. CONTESTANT PARTICIPATION. (a) An elimination tournament contestant may not participate in more than:~~

- ~~(1) one match during the first night of a two-night elimination tournament other than a championship tournament; or~~
- ~~(2) two matches during the first night of a two-night championship tournament.~~

~~[(b) An elimination tournament contestant may participate in any number of matches during the second night of a two-night elimination tournament.]~~

~~[(e) Except as provided by Subsection (d), an elimination tournament boxing promoter may permit an elimination tournament contestant who does not win a match during the first night of a two-night elimination tournament to participate in the tournament during the second night of the tournament.]~~

~~[(d) An elimination tournament contestant who is knocked out during the tournament may not continue to participate in the tournament.]~~

~~[Sec. 2052.203. ELIMINATION TOURNAMENT BOXING PROMOTER RESPONSIBILITIES. (a) An elimination tournament boxing promoter shall require that each elimination tournament contestant:~~

~~[(1) be at least 18 years old and younger than 36 years old;~~

~~[(2) submit proof that the contestant has received proper training, including a written description of the contestant's training program during the 28 days before the elimination tournament;~~

~~[(3) have no professional boxing experience;~~

~~[(4) have fewer than six boxing match wins during the preceding five years that are recognized by an amateur boxing organization that is recognized under department rules for this purpose;~~

~~[(5) use 16-ounce gloves; and~~

~~[(6) wear the following protective gear provided by the promoter:~~

~~[(A) except as provided by Subsection (b), headgear approved by the department;~~

~~[(B) a mouthpiece; and~~

~~[(C) a groin guard or kidney groin guard approved by the department.]~~

~~[(b) The elimination tournament boxing promoter of a local, regional, or championship elimination tournament is not required to require that each elimination tournament contestant wear headgear approved by the department if the promoter under department rules notifies the commissioner of the decision not to use the approved headgear.]~~

~~[Sec. 2052.204. ELIMINATION TOURNAMENT RINGSIDE PHYSICIAN. (a) An elimination tournament boxing promoter shall provide a ringside physician for each elimination tournament.]~~

~~[(b) An elimination tournament ringside physician shall:~~

~~[(1) perform a complete medical examination of each elimination tournament contestant at the tournament's location before the tournament begins;~~

~~[(2) remain at ringside at all times during a scheduled elimination tournament match;~~

~~[(3) offer solutions to boxing-related medical problems to the elimination tournament boxing promoter and contestants;~~

~~[(4) examine each elimination tournament contestant between matches;~~

~~[(5) immediately before the second night of a two-night elimination tournament, perform a complete physical examination of each elimination tournament contestant who is scheduled to participate during the second night; and~~

~~[(6) immediately notify the elimination tournament boxing promoter if the physician disqualifies an elimination tournament contestant.~~

~~[Sec. 2052.205. NEGATIVE PREGNANCY TEST RESULT. A female elimination tournament contestant may not participate in an elimination tournament unless the contestant provides the ringside physician with proof of a negative pregnancy test result.~~

~~[Sec. 2052.206. WEIGHT CATEGORIES. (a) The weight categories for an elimination tournament are:~~

~~[(1) less than 112 pounds;~~

~~[(2) 112 pounds or more and less than 119 pounds;~~

~~[(3) 119 pounds or more and less than 127 pounds;~~

~~[(4) 127 pounds or more and less than 136 pounds;~~

~~[(5) 136 pounds or more and less than 148 pounds;~~

~~[(6) 148 pounds or more and less than 161 pounds;~~

~~[(7) 161 pounds or more and less than 176 pounds;~~

~~[(8) 176 pounds or more and less than 190 pounds; and~~

~~[(9) 190 pounds or more.~~

~~[(b) An elimination tournament contestant may not compete in a weight category other than the contestant's weight category as listed under Subsection (a) unless the contestant:~~

~~[(1) competes in the next heavier weight category for the contestant; and~~

~~[(2) the contestant's weight is within three percent of the minimum weight for that next heavier weight category.~~

~~[Sec. 2052.207. RING REQUIREMENTS. (a) An elimination tournament match must be conducted in a square ring. Each side of the ring must be not less than 16 feet or more than 24 feet in length.~~

~~[(b) The floor of the ring must be:~~

~~[(1) three fourths inch thick; and~~

~~[(2) padded with one inch thick closed cell foam material.]~~

SUBCHAPTER F. OTHER COMBATIVE SPORT REGULATIONS

Sec. 2052.251. BOXING GLOVES. A boxing event contestant~~[, other than an elimination tournament contestant under Subchapter E,]~~ shall wear eight-ounce boxing gloves~~;~~ unless the executive director ~~[commissioner]~~ by rule requires or permits a contestant to wear heavier gloves.

Sec. 2052.252. CERTAIN AMATEUR EVENTS. (a) This section applies to an amateur boxing event, other than an event described by Section 2052.108(2), (3), (4), or (5) ~~[elimination tournament subject to Subchapter E]~~, in which a fee is charged for admission to the event.

(b) The event may take place only if the executive director ~~[commissioner]~~ approves the event not later than seven days before the date the event begins.

(c) Each entry in the event must be filed with the amateur organization not later than the third day before the date the event begins.

(d) The amateur organization shall determine the amateur standing of the event contestants.

(e) The event is subject to the supervision of the executive director ~~[commissioner]~~.

(f) All profits from the event must be used to develop amateur athletics.

(g) Only a referee or judge licensed under this chapter may participate in the event.

(h) Each contestant participating in the event must be examined by a licensed physician within a reasonable time before the event begins. A licensed physician must be present at ringside during the entire event.

(i) A professional boxer licensed under this chapter may not participate in any capacity in the event.

Sec. 2052.253. KICKBOXING. A professional kickboxing event must be fought on the basis of the contestants' best efforts.

SUBCHAPTER G. DISCIPLINARY PROCEDURES; PENALTIES;
CRIMINAL OFFENSE

Sec. 2052.301. ADMINISTRATIVE PENALTIES AND SANCTIONS [REVOCAION AND SUSPENSION OF LICENSE OR PERMIT]. On a determination that a person has violated this chapter, a rule adopted under this chapter, or a rule adopted under Chapter 51, the executive director may impose administrative sanctions as provided by Subchapter G, Chapter 51, or the commission may impose administrative penalties as provided by Subchapter F, Chapter 51 [The commissioner may revoke or suspend the license or permit of a license or permit holder under this chapter for violating this chapter or a rule adopted under this chapter].

Sec. 2052.3015. PROMOTER PENALTY FOR LATE LICENSE. A promoter who does not comply with Section 2052.113(1) in a timely manner is subject to a penalty under this chapter for each contestant who obtains a license less than 72 hours before an event in which the contestant is scheduled to participate.

Sec. 2052.302. WITHHOLDING OF PURSE AND FORFEITURE OF PURSE. (a) The executive director [commissioner] may order a promoter [boxer or manager] to withhold any [forfeit to this state a] purse or other funds payable to the holder of a license or registration under this chapter if it appears more likely than not that the holder has violated [in an amount of not more than \$1,000 for violating] this chapter or a rule adopted under this chapter.

(b) The promoter shall surrender any purse or funds withheld as provided by Subsection (a) to the executive director on demand. Not later than the fifth working day after the event, the department shall notify in writing the promoter and any person from whom a sum was withheld of the date of a hearing to determine whether all or part of the purse or funds withheld should be forfeited to the state. The hearing must be scheduled for a date not later than the 10th day after the date of the notice. Not later than the 10th day after the date of the hearing, the executive director shall enter an order with findings of fact and conclusions of law determining whether all or part of the purse or funds should be forfeited. Any funds not forfeited shall be distributed to the persons entitled to the funds.

(c) Except as otherwise provided by this subchapter, a proceeding under this section shall be conducted in the manner provided by Chapter 2001, Government Code.

(d) A person aggrieved by an order entered under this section may appeal the order by filing a petition in a district court in Travis County in the manner provided by Chapter 2001, Government Code.

Sec. 2052.303. CIVIL PENALTY; INJUNCTION. (a) A court may assess a civil penalty against a person who violates this chapter or a rule adopted under this chapter. The amount of the penalty may not exceed \$1,000 for each violation.

(b) The attorney general or the department may file a civil suit to:

(1) assess and recover a civil penalty under Subsection (a); or

(2) enjoin a person who violates or threatens to violate this chapter or a rule adopted under this chapter from continuing the violation or threat.

(c) Venue for a suit filed under Subsection (b) is in a district court in Travis County.

(d) A civil penalty assessed under this section shall be paid to this state.

Sec. 2052.304. PETITION FOR REVIEW. (a) A person may seek review of a decision or an order of the executive director or the commission ~~[commissioner]~~ under this chapter by filing a petition for review in a district court in Travis County ~~[not later than the 30th day after the date on which the decision or order of the commissioner is final if the person is:~~

~~[(1) a party to an administrative hearing in which the decision or order is issued; and~~

~~[(2) aggrieved by the decision or order].~~

(b) Chapter 2001, Government Code, governs any proceeding under this section ~~[The filing of a petition for review under Subsection (a) does not stay the effect of the decision or order of the commissioner that is the subject of the petition. The commissioner or the district court in which the petition for review is filed may order a stay on appropriate terms].~~

~~[(c) If a stay is ordered under Subsection (b), a supersedeas bond is not required.~~

~~[Sec. 2052.305. SERVICE OF PROCESS. A petition for review filed under Section 2052.304 must be served on:~~

~~[(1) the commissioner; and~~

~~[(2) all parties of record to a hearing before the commissioner that relates to the matter for which the petition for review is filed.~~

~~[Sec. 2052.306. CERTIFICATION OF RECORD. (a) On receipt of a petition for review served under Section 2052.305, the commissioner, not later than the date on which the answer to the petition must be filed or the date on which the record is made available to the commissioner, whichever date is later, shall certify to the district court in which the petition is filed the record of the proceedings to which the petition relates.~~

~~[(b) The petitioner shall pay the costs of preparing and certifying the record under this section.~~

~~[(c) On final determination of the review, the district court shall order payment of the costs described under Subsection (b) as part of the costs in the case.~~

~~[Sec. 2052.307. JUDICIAL REVIEW. (a) A district court reviewing a decision or an order of the commissioner under this subchapter shall try the action without a jury in the same manner as a civil action, except that evidence is not admissible unless the evidence was presented at the hearing or noticed in the record of the hearing before the commissioner. The petitioner has the burden of proof in the action.~~

~~(b) The court may:~~

~~(1) affirm the decision or order of the commissioner; or~~

~~(2) remand the matter to the commissioner for further proceedings.]~~

Sec. 2052.305 ~~[2052.308]~~. APPEAL. (a) The petitioner or executive director ~~[commissioner]~~ may appeal a final judgment of a court conducting a review under this subchapter in the same manner as a civil action.

(b) The executive director ~~[commissioner]~~ is not required to file an appeal bond.

Sec. 2052.306 ~~[2052.309]~~. CRIMINAL OFFENSE. (a) A person commits an offense if the person violates this chapter or a rule adopted under this chapter.

(b) An offense under this section is a Class A misdemeanor.

SECTION __.002. (a) Except as provided by Subsections (b) and (c) of this section, this article takes effect January 1, 2004.

(b) This section takes effect September 1, 2003.

(c) Section 2052.201, Occupations Code, as amended by this article, takes effect September 1, 2003, and applies to an elimination tournament scheduled to occur on or after that date. An elimination tournament scheduled to occur before that date is governed by the law in effect on the date that the tournament was scheduled, and the former law is continued in effect for that purpose.

SECTION __.003. Section 2052.302, Occupations Code, as amended by this article, applies to a forfeiture imposed on or after the effective date of this article. A forfeiture imposed before that date is governed by the law in effect on the date that the forfeiture was ordered, and the former law is continued in effect for that purpose.

Amendment No. 22 was adopted without objection.

Amendment No. 23

Representative Allen offered the following amendment to **CSSB 279**:

Amend **CSSB 279** by adding the following ARTICLES, appropriately numbered, and renumbering ARTICLE 29 of the bill as appropriate:

ARTICLE 29. ABOLITION OF THE TEXAS FUNERAL SERVICES COMMISSION AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 29.01. Section 651.001, Occupations Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 29.02. Subchapter, Chapter 651, Occupations Code, is amended by adding Sections 651.004 and 651.005 to read as follows:

Sec. 651.004. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter or other law to the Texas Funeral Service Commission means the department.

Sec. 651.005. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 29.03. On September 1, 2003, the following laws are repealed:

- (1) Sections 651.001(2), 651.002, and 651.153, Occupations Code; and
- (2) Subchapters B, C, and E, Chapter 651, Occupations Code.

SECTION 29.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 651, Occupations Code, performed by the Texas Funeral Service Commission immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Funeral Service Commission that relates to Chapter 651, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Funeral Service Commission that relates to Chapter 651, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Funeral Service Commission that is related to Chapter 651, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Funeral Service Commission in an action or proceeding to which the Texas Funeral Service Commission is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Funeral Service Commission related to Chapter 651, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Funeral Service Commission related to Chapter 651, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Funeral Service Commission related to Chapter 651, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 29.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 651.005, Occupations Code, as added by this Act.

ARTICLE 30. ABOLITION OF THE TEXAS STRUCTURAL PEST CONTROL BOARD AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 30.01. Section 1951.002, Occupations Code, is amended by adding Subdivision (6-a) to read as follows:

(6-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 30.02. Subchapter A, Chapter 1951, Occupations Code, is amended by adding Sections 1951.008 and 1951.009 to read as follows:

Sec. 1951.008. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter to the board or a reference in other law to the Texas Structural Pest Control Board means the department.

Sec. 1951.009. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 30.03. On September 1, 2003, the following laws are repealed:

(1) Sections 1951.002(2), 1951.007, and 1951.206, Occupations Code; and

(2) Subchapters C, D, and F, Chapter 1951, Occupations Code.

SECTION 30.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 1951, Occupations Code, performed by the Texas Structural Pest Control Board immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Structural Pest Control Board that relates to Chapter 1951, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Structural Pest Control Board that relates to Chapter 1951, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Structural Pest Control Board that is related to Chapter 1951, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Structural Pest Control Board in an action or proceeding to which the Texas Structural Pest Control Board is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Structural Pest Control Board related to Chapter 1951, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Structural Pest Control Board related to Chapter 1951, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Structural Pest Control Board related to Chapter 1951, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 30.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1951.009, Occupations Code, as added by this Act.

ARTICLE 31. ABOLITION OF THE TEXAS STATE BOARD OF PLUMBING EXAMINERS AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 31.01. Section 1301.002(1), Occupations Code, is amended to read as follows:

(1) "Department" [~~"Board"~~] means the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~].

SECTION 31.02. Subchapter A, Chapter 1301, Occupations Code, is amended by adding Sections 1301.004 and 1301.005 to read as follows:

Sec. 1301.004. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter to the board or a reference in other law to the Texas State Board of Plumbing Examiners means the department.

Sec. 1301.005. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 31.03. On September 1, 2003, the following laws are repealed:

(1) Sections 1301.003, 1301.204, 1301.252, 1301.301, and 1301.303, Occupations Code; and

(2) Subchapter C, Chapter 1301, Occupations Code.

SECTION 31.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 1301, Occupations Code, performed by the Texas State Board of Plumbing Examiners immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas State Board of Plumbing Examiners that relates to Chapter 1301, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas State Board of Plumbing Examiners that relates to Chapter 1301, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas State Board of Plumbing Examiners that is related to Chapter 1301, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and

Regulation assumes, as appropriate and without a change in status, the position of the Texas State Board of Plumbing Examiners in an action or proceeding to which the Texas State Board of Plumbing Examiners is a party;

(5) all money, contracts, leases, property, and obligations of the Texas State Board of Plumbing Examiners related to Chapter 1301, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas State Board of Plumbing Examiners related to Chapter 1301, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas State Board of Plumbing Examiners related to Chapter 1301, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 31.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1301.005, Occupations Code, as added by this Act.

ARTICLE 32. ABOLITION OF THE TEXAS COSMETOLOGY COMMISSION AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 32.01. Section 1602.001, Occupations Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 32.02. Subchapter A, Chapter 1602, Occupations Code, is amended by adding Sections 1602.005 and 1602.006 to read as follows:

Sec. 1602.005. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter to the commission or a reference in other law to the Texas Cosmetology Commission means the department.

Sec. 1602.006. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 32.03. On September 1, 2003, the following laws are repealed:

(1) Sections 1602.001(1), 1602.004, and 1602.152, Occupations Code; and

(2) Subchapters B, C, and E, Chapter 1602, Occupations Code.

SECTION 32.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 1602, Occupations Code, performed by the Texas Cosmetology Commission immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Cosmetology Commission that relates to Chapter 1602, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Cosmetology Commission that relates to Chapter 1602, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Cosmetology Commission that is related to Chapter 1602, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas

Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Cosmetology Commission in an action or proceeding to which the Texas Cosmetology Commission is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Cosmetology Commission related to Chapter 1602, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Cosmetology Commission related to Chapter 1602, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Cosmetology Commission related to Chapter 1602, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 32.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1602.006, Occupations Code, as added by this Act.

ARTICLE 33. TRANSFER OF THE CHAPTER 1201, OCCUPATIONS CODE POWERS AND DUTIES OF THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 33.01. Section 1201.003(7), Occupations Code, is amended to read as follows:

(7)"Department" means the Texas Department of Licensing and Regulation [~~Housing and Community Affairs~~].

SECTION 33.02. Subchapter A, Chapter 1201, Occupations Code, is amended by adding Section 1201.009 to read as follows:

Sec. 1201.009. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 33.03. On September 1, 2003:

(1) all functions and activities relating to Chapter 1201, Occupations Code, performed by the Texas Department of Housing and Community Affairs immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Department of Housing and Community Affairs that relates to Chapter 1201, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Department of Housing and Community Affairs that relates to Chapter 1201, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Department of Housing and Community Affairs that is related to Chapter 1201, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Department of Housing and Community Affairs in an action or proceeding to which the Texas Department of Housing and Community Affairs is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Department of Housing and Community Affairs related to Chapter 1201, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Department of Housing and Community Affairs related to Chapter 1201, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Department of Housing and Community Affairs related to Chapter 1201, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 33.04. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1201.009, Occupations Code, as added by this Act.

ARTICLE 34. ABOLITION OF THE STATE BOARD OF BARBER EXAMINERS AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 34.01 Section 1601.001, Occupations Code, is amended by adding Subdivision (4-a) to read as follows:

(4-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 34.02. Subchapter A, Chapter 1601, Occupations Code, is amended by adding Sections 1601.005 and 1601.006 to read as follows:

Sec. 1601.005. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter to the board or a reference in other law to the State Board of Barber Examiners means the department.

Sec. 1601.006. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 34.03. On September 1, 2003, the following laws are repealed:

(1) Sections 1601.001(3), 1601.004, and 1601.153, Occupations Code;

and

(2) Subchapters B, C, and E, Chapter 1601, Occupations Code.

SECTION 34.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 1601, Occupations Code, performed by the State Board of Barber Examiners immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the State Board of Barber Examiners that relates to Chapter 1601, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the State Board of Barber Examiners that relates to Chapter 1601, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the State Board of Barber Examiners that is related to Chapter 1601, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the State Board of Barber Examiners in an action or proceeding to which the State Board of Barber Examiners is a party;

(5) all money, contracts, leases, property, and obligations of the State Board of Barber Examiners related to Chapter 1601, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the State Board of Barber Examiners related to Chapter 1601, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the State Board of Barber Examiners related to Chapter 1601, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 34.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1601.006, Occupations Code, as added by this Act.

ARTICLE 35. ABOLITION OF THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 35.01 Section 1071.002, Occupations Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Department" means the Texas Department of Licensing and Regulation.

SECTION 35.02. Subchapter A, Chapter 1071, Occupations Code, is amended by adding Sections 1071.005 and 1071.006 to read as follows:

Sec. 1071.005. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this chapter. If in administering this chapter there is a conflict between a provision of this chapter and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this chapter to the board or a reference in other law to the Texas Board of Professional Land Surveyors means the department.

Sec. 1071.006. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this chapter.

SECTION 35.03. On September 1, 2003, the following laws are repealed:

- (1) Sections 1071.002(1) and 1071.003, Occupations Code; and
- (2) Subchapters B, C, and E, Chapter 1071, Occupations Code.

SECTION 35.04. On September 1, 2003:

(1) all functions and activities relating to Chapter 1071, Occupations Code, performed by the Texas Board of Professional Land Surveying immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Board of Professional Land Surveying that relates to Chapter 1071, Occupations Code, is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Board of Professional Land Surveying that relates to Chapter 1071, Occupations Code, means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Board of Professional Land Surveying that is related to Chapter 1071, Occupations Code, is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Board of Professional Land Surveying in an action or proceeding to which the Texas Board of Professional Land Surveying is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Board of Professional Land Surveying related to Chapter 1071, Occupations Code, are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Board of Professional Land Surveying related to Chapter 1071, Occupations Code, is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Board of Professional Land Surveying related to Chapter 1071, Occupations Code, is transferred to the Texas Department of Licensing and Regulation.

SECTION 35.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1071.006, Occupations Code, as added by this Act.

ARTICLE 36. ABOLITION OF THE TEXAS BOARD OF PROFESSIONAL GEOSCIENTISTS AND TRANSFER OF POWERS AND DUTIES TO TEXAS DEPARTMENT OF LICENSING AND REGULATION

SECTION 36.01 Section 1.02(1), Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is amended to read as follows:

(1) "Department" [~~"Board"~~] means the Texas Department of Licensing and Regulation [~~Board of Professional Geoscientists~~].

SECTION 36.01 Section 1.02(1), Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is amended to read as follows:

(1) "Department" [~~"Board"~~] means the Texas Department of Licensing and Regulation [~~Board of Professional Geoscientists~~].

SECTION 36.02. Subchapter A, Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is amended by adding Sections 1.05 and 1.06 to read as follows:

Sec. 1.05. TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The department shall administer this Act. If in administering this Act there is a conflict between a provision of this Act and a provision of Chapter 51, the provision of Chapter 51 controls.

(b) A reference in this Act to the board or a reference in other law to the Texas Board of Professional Geoscientists means the department.

Sec. 1.06. ADVISORY COMMITTEE. The governor shall appoint an advisory committee of seven persons to advise the department in administering this Act.

SECTION 36.03. On September 1, 2003, the following laws are repealed:

(1) Sections 1.03, 3.01, 3.02(a), 3.03, 3.04, 3.05, and 3.06, Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes); and

(2) Subchapters B and E, Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes).

SECTION 36.04. On September 1, 2003:

(1) all functions and activities relating to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), performed by the Texas Board of Professional Geoscientists immediately before that date are transferred to the Texas Department of Licensing and Regulation;

(2) a rule or form adopted by the Texas Board of Professional Geoscientists that relates to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is a rule or form of the Texas Department of Licensing and Regulation and remains in effect until amended or replaced by that department;

(3) a reference in law or an administrative rule to the Texas Board of Professional Geoscientists that relates to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), means the Texas Department of Licensing and Regulation;

(4) a complaint, investigation, or other proceeding before the Texas Board of Professional Geoscientists that is related to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is transferred without change in status to the Texas Department of Licensing and Regulation, and the Texas Department of Licensing and Regulation assumes, as appropriate and without a change in status, the position of the Texas Board of Professional Geoscientists in an action or proceeding to which the Texas Board of Professional Geoscientists is a party;

(5) all money, contracts, leases, property, and obligations of the Texas Board of Professional Geoscientists related to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), are transferred to the Texas Department of Licensing and Regulation;

(6) all property in the custody of the Texas Board of Professional Geoscientists related to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is transferred to the Texas Department of Licensing and Regulation; and

(7) the unexpended and unobligated balance of any money appropriated by the legislature for the Texas Board of Professional Geoscientists related to the Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), is transferred to the Texas Department of Licensing and Regulation.

SECTION 36.05. Not later than November 1, 2003, the governor shall appoint the advisory committee required by Section 1.06, Texas Geoscience Practice Act (Article 3271b, Vernon's Texas Civil Statutes), as added by this Act.

Amendment No. 24

Representative Hardcastle offered the following amendment to Amendment No. 23:

Amend the Allen Amendment to **CSSB 279** by striking ARTICLE 33 of the amendment (page 12, line 6 through page 14, line 8).

Amendment No. 24 was adopted without objection.

Amendment No. 23, as amended, was adopted without objection.

CSSB 279, as amended, was passed to third reading.

POSTPONED BUSINESS

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

CSSB 501 ON SECOND READING (Hupp - House Sponsor)

CSSB 501, A bill to be entitled An Act relating to the places where weapons are prohibited and to the application of criminal trespass laws to persons licensed to carry a concealed handgun.

CSSB 501 was read second time on May 10, postponed until 10 a.m. today, and was again postponed until 2 p.m. today.

Amendment No. 1

Representative Turner offered the following amendment to **CSSB 501**:

Amend SECTION 3 by adding a new "(7)" to Section 46.03(a), Penal Code, to read as follows:

"(7) on the premises of a city hall."

Representative Hupp moved to table Amendment No. 1.

The motion to table prevailed.

A record vote was requested.

CSSB 501 was passed to third reading by (Record 627): 122 Yeas, 21 Nays, 1 Present, not voting.

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

Nays — Alonzo; Burnam; Castro; Coleman; Davis, Y.; Dukes; Escobar; Farrar; Hochberg; Jones, J.; Lewis; Luna; Martinez Fischer; Moreno, J.; Moreno, P.; Naishtat; Olivo; Peña; Rodriguez; Turner; Uresti.

Present, not voting — Mr. Speaker.

Absent, Excused — Gutierrez; Oliveira.

Absent — Gallego; Garza; Giddings; Hodge.

STATEMENTS OF VOTE

When Record No. 627 was taken, I was temporarily out of the house chamber. I would have voted no.

Giddings

I was shown voting no on Record No. 627. I intended to vote yes.

Peña

GENERAL STATE CALENDAR SENATE BILLS SECOND READING

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

SB 146 ON SECOND READING (Phillips - House Sponsor)

SB 146, A bill to be entitled An Act relating to procedural and registration requirements for certain sex offenders who seek to change their names.

Amendment No. 1

Representative Phillips offered the following amendment to **SB 146**:

Amend **SB 146** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Section 19, Article 42.12, Code of Criminal Procedure, is amended by amending Subsection (g) and adding Subsection (h) to read as follows:

(g) If the judge places on community supervision a person required to register as a sex offender under Chapter 62, the judge shall require as a condition of community supervision that the person pay to the person's supervising officer an amount equal to [a fee that equals] the [actual] cost, as evidenced by written receipt, incurred by [to] the applicable local law enforcement authority for providing notice for publication to a newspaper as required by Chapter 62. A political subdivision served by the local law enforcement authority may bill any unpaid amount, identified separately, within a bill for a utility service provided by the political subdivision to the person and may suspend service of the utility to a person who is delinquent in payment of the amount until the delinquent claim is fully paid to the political subdivision. A community supervision and corrections department or political subdivision, as applicable, shall remit an amount [fees] collected under this subsection to the applicable local law enforcement authority [to reimburse the authority for the actual cost incurred by the authority, as evidenced by written receipt, for providing notice for publication to a newspaper as required by Chapter 62]. In this subsection, "utility service" means water, wastewater, sewer, gas, garbage, electricity, or drainage service.

(h) In a community supervision revocation hearing at which it is alleged only that the person violated the terms of community supervision by failing to make a payment under Subsection (g) [this subsection], the inability of the person to pay as ordered by the judge is an affirmative defense to revocation, which the person must prove by a preponderance of the evidence.

SECTION _____. Section 2(b), Article 42.22, Code of Criminal Procedure, is amended to read as follows:

(b) The state also has a restitution lien to secure the:

(1) amount of fines or costs entered against a defendant in the judgment in a felony criminal case;

(2) amount of reimbursement for costs of:

(A) confinement ordered under Article 42.038; or

(B) notice provided under Article 62.03 or 62.04; and

(3) amount of damages incurred by the state as a result of the commission of an offense under Section 38.04, Penal Code, in which the defendant used a motor vehicle while the defendant was in flight.

SECTION _____. Chapter 62, Code of Criminal Procedure, is amended by adding Article 62.041 to read as follows:

Art. 62.041. AUTHORITY OF POLITICAL SUBDIVISION TO COLLECT COSTS OF CERTAIN NOTICE. (a) In this article, "utility service" means water, wastewater, sewer, gas, garbage, electricity, or drainage service.

(b) A political subdivision served by a local law enforcement authority obtaining publication of notice under Article 62.03 or 62.04 may bill any unpaid amount under that article, identified separately, within a bill for a utility service provided by the political subdivision to the person who is the subject of the notice, and may suspend service of the utility to a person who is delinquent in payment of the amount until the delinquent claim is fully paid to the political subdivision.

(c) The political subdivision shall remit an amount collected under this article to the local law enforcement authority.

SECTION _____. Section 508.186, Government Code, is amended by adding Subsection (a-1) and amending Subsection (b) to read as follows:

(a-1) A political subdivision served by the local law enforcement authority may bill any unpaid amount under Subsection (a)(2), identified separately, within a bill for a utility service provided by the political subdivision to the releasee and may suspend service of the utility to a releasee who is delinquent in payment of the amount until the delinquent claim is fully paid to the political subdivision. In this subsection, "utility service" means water, wastewater, sewer, gas, garbage, electricity, or drainage service.

(b) The division or political subdivision, as applicable, shall remit an amount collected under this section to the applicable local law enforcement authority.

Amendment No. 1 was adopted without objection.

SB 146, as amended, was passed to third reading.

SB 165 ON SECOND READING
(J. Jones and E. Jones - House Sponsors)

SB 165, A bill to be entitled An Act relating to the authority of certain law enforcement agencies to remove certain personal property from a roadway or right-of-way.

Amendment No. 1

Representatives J. Jones and E. Jones offered the following amendment to **SB 165**:

Amend **SB 165** as follows:

(1) On page 1, line 7, strike "AUTHORITY TO REMOVE" and substitute "REMOVAL OF".

(2) On page 1, between lines 8 and 9, insert:

(1) "Authority" means:

(A) a metropolitan rapid transit authority operating under Chapter 451; or

(B) a regional transportation authority operating under Chapter 452.

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

(4) On page 1, line 14, strike "(2)" and substitute "(3)".

(5) On page 1, line 21, strike "A" and substitute "An authority or a".

(6) On page 1, line 22, between "if the" and "agency", insert "authority or law enforcement".

(7) On page 2, line 3, between "reimburse the" and "law enforcement agency", insert "authority or".

(8) On page 2, line 5, between "provision of law." and "a law", insert "an authority or".

Amendment No. 1 was adopted without objection.

SB 165, as amended, was passed to third reading.

SB 235 ON SECOND READING
(McCall - House Sponsor)

SB 235, A bill to be entitled An Act relating to a receipt or other document issued for payment by credit or debit card; providing a civil penalty.

SB 235 was passed to third reading.

SB 404 ON SECOND READING
(Mercer, Menendez, McClendon, Villarreal,
Martinez Fischer, et al. - House Sponsors)

SB 404, A bill to be entitled An Act relating to advanced transportation districts.

SB 404 was passed to third reading.

SB 710 ON SECOND READING
(Eiland - House Sponsor)

SB 710, A bill to be entitled An Act relating to the share of the cost of a coastal erosion study or project required to be paid by a qualified project partner under an agreement with the commissioner of the General Land Office.

SB 710 was passed to third reading.

SB 729 ON SECOND READING
(Hopson - House Sponsor)

SB 729, A bill to be entitled An Act relating to the elements of the offense of harassment by persons in certain correctional facilities.

SB 729 was passed to third reading.

CSSB 917 ON SECOND READING
(Talton - House Sponsor)

CSSB 917, A bill to be entitled An Act relating to the time during which inmates may be considered for release on parole.

CSSB 917 was passed to third reading.

SB 1021 ON SECOND READING
(Lewis - House Sponsor)

SB 1021, A bill to be entitled An Act relating to emergency services districts and the conversion of all rural fire prevention districts to emergency services districts.

SB 1021 was passed to third reading.

SB 1145 ON SECOND READING
(Uresti - House Sponsor)

SB 1145, A bill to be entitled An Act relating to programs in certain counties to divert certain persons with mental health disorders or mental retardation from incarceration to appropriate services.

SB 1145 was passed to third reading.

CSSB 1271 ON SECOND READING
(West and King - House Sponsors)

CSSB 1271, A bill to be entitled An Act relating to incentives to encourage gas utilities to invest in new infrastructure.

Amendment No. 1

Representative West offered the following amendment to **CSSB 1271**:

Amend **CSSB 1271** in Section 104.301(j), Utilities Code, as added by SECTION 1 of the bill (House Committee Printing, page 4, lines 18-20), by striking "shall annually pay to the railroad commission the utility's proportionate share of the railroad commission's incremental costs" and substitute "shall reimburse the railroad commission the utility's proportionate share of the railroad commission's costs".

Amendment No. 1 was adopted without objection.

CSSB 1271, as amended, was passed to third reading.

SB 1317 ON SECOND READING
(Uresti, Capelo, McReynolds, Taylor, Noriega, et al. - House Sponsors)

SB 1317, A bill to be entitled An Act relating to the regulation of tattooists, persons who perform body piercing, tattoo studios, and certain body piercing studios; providing criminal penalties.

Amendment No. 1

Representative Solis offered the following amendment to **SB 1317**:

Amend **SB 1317** in Section 3 of the bill, in added Section 146.0041(b), Health and Safety Code (page 2, line 25, house committee report), by striking "The department shall refuse" and substituting "The department may refuse".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hartnett offered the following amendment to **SB 1317**:

Amend **SB 1317** by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Chapter 146, Health and Safety Code, is amended by adding Section 146.0126 to read as follows:

Sec. 146.0126. TONGUE SPLITTING PROHIBITED. (a) For purposes of this section, "tongue splitting" means cutting a human tongue into two or more parts.

(b) person may not perform tongue splitting.

Amendment No. 2 was adopted without objection.

SB 1317, as amended, was passed to third reading.

RESOLUTIONS CALENDAR

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

HCR 101

(by Capelo)

HCR 101, Requesting that Congress enact a Medicare prescription drug benefit.

HCR 101 was adopted.

HCR 194

(by Miller)

HCR 194, Memorializing Congress to limit the appellate jurisdiction of the federal courts regarding the recitation of the Pledge of Allegiance in public schools.

Representative Callegari moved to postpone consideration of **HCR 194** until 10 a.m. Monday, May 19.

The motion prevailed without objection.

HCR 199

(by Gutierrez)

HCR 199, Requesting that Congress enact legislation to define the political status options available to U.S. citizens of Puerto Rico.

Representative Harper-Brown moved to postpone consideration of **HCR 199** until 10 a.m. Monday, May 19.

The motion prevailed without objection.

CSHR 570 (by Hamric)

CSHR 570, Electing the children of house members to the office of mascot.

WHEREAS, It has long been the custom of the House of Representatives of the State of Texas to honor the children of its members by electing them to the office of mascot; and

WHEREAS, A roster of mascot candidates eligible for this special recognition under the rules of this house has been compiled; now, therefore, be it

RESOLVED, That the House of Representatives of the 78th Texas Legislature hereby elect the following children of house members to the honorary office of mascot:

Jose Maria Emeterio Alonzo, son of Representative Roberto Alonzo;
Claire Elizabeth Baxter, daughter of Representative Todd Baxter;
Sarah Jeane Branch and Charles Victor Branch, children of Representative Dan Branch;

Katie Cook, daughter of Representative Byron Cook;
Jeremy Dutton, son of Representative Harold Dutton;
Delaney Paige Eiland and William Gray Eiland, children of Representative Craig Eiland;

Ariana Maleny Garza, daughter of Representative Timoteo Garza;
Winston Harrison Hartnett, son of Representative Will Hartnett;
Carolyn Reagan Hilderbran, daughter of Representative Harvey Hilderbran;
Hayden Joseph Homer, son of Representative Mark Homer;
Caroline Keffer and Doug Keffer, children of Representative Bill Keffer;
Jacob Robert Kolkhorst, son of Representative Lois Kolkhorst;
Dominic Michael Newman-Menendez and Victoria Elise Newman-Menendez, children of Representative Jose Menendez;

Sarah Elisabeth Mercer and Rebekah Katherine Mercer, daughters of Representative Ken Mercer;

Tucker Allen Paxton, Abigail Elizabeth Paxton, Madison Lee Paxton, and Katherine Lillian Paxton, children of Representative Ken Paxton;

Alyssa Victoria Peña and Michael Anthony Peña, children of Representative Aaron Peña;

Sidney Augustine Phillips, Henry Robert Phillips, and Meribeth Lynn Phillips, children of Representative Larry Phillips;

Carly Leanne Taylor and Jacob Dylan Taylor, children of Representative Larry Taylor;

Madeleine Van Arsdale, Brooks Van Arsdale, and Dawn Van Arsdale, children of Representative Corbin Van Arsdale; and, be it further

RESOLVED, That pictures of the mascots appear on the picture panel of the Texas House of Representatives and that an official certificate be prepared for each mascot as a memento of this honor.

CSHR 570 was adopted without objection.

HR 571
(by Hamric)

HR 571, Designating the grandchildren of house members as honorary mascots.

WHEREAS, It has long been the custom of the House of Representatives of the State of Texas to honor the children of its members by electing them to the office of mascot; and

WHEREAS, Since 1983, the house of representatives has also bestowed special recognition on the grandchildren of its members by naming them the honorary mascots of this house; and

WHEREAS, A roster of members' grandchildren has been compiled for this special designation; now, therefore, be it

RESOLVED, That the House of Representatives of the 78th Texas Legislature hereby designate the following grandchildren of house members as honorary mascots:

Meredith Faith Pogue, granddaughter of Representative Betty Brown;
Catherine Carter Land and Cynthia Morigon Land, granddaughters of Representative Carter Casteel;

Averie Faith Boyd, granddaughter of Representative Gary Elkins;
Whitney Ray Flynn, Keeley Reagan Flynn, and Josh Blake Flynn II, grandchildren of Representative Dan Flynn;

Erin Griggs and Lexi Griggs, grandchildren of Representative Bob Griggs;
Samuel Stephen Evans and Brady Jackson Hill, grandchildren of Representative Fred Hill;

Ryann Ella Grace Lilley, granddaughter of Representative Chuck Hopson;
Ansley Rivers Drenner, granddaughter of Representative Charlie Howard;
Joseph Immanuel Jones and Orion David McGowen, grandsons of Representative Jesse Jones;

Cody Madden, Logan Madden, Samantha Barzellone, and Alisa Barzellone, grandchildren of Representative Jerry Madden;

Aquiles Jaime Garza, Jr., Chelsea Nicole Peña, and Aaron Christian Garza, grandchildren of Representative Aaron Peña;

Daniel Padilla, Jr., Brandyn Flores, Jr., Brittany Padilla, and Jarrett Flores, grandchildren of Representative Chente Quintanilla;

Christian Gabriel Reyna, Evan Samuel Reyna, Jonathan Benjamin Cuff, Judie Angel Cuff, Carlie Elisa Cuff, and Chloe Elvira Cuff, grandchildren of Representative Elvira Reyna;

Jenna Craig and Jami Craig, granddaughters of Representative Wayne Smith;

Christie Marie Bates and William David Bates, grandchildren of Representative David Swinford;

Landon West Satterwhite, grandchild of Representative Buddy West;

Nicholas Ben Wong, Stephanie Sarah Chew, Michael Eugenio Chew, and Lauren Grace Chew, grandchildren of Representative Martha Wong;

Anna Belle Rose, granddaughter of Representative Bill Zedler; and, be it further

RESOLVED, That the names of the honorary mascots and their grandparents be placed on the picture panel of the House of Representatives of the 78th Texas Legislature; and, be it further

RESOLVED, That an official copy of this resolution be prepared for each honorary mascot as a memento of this honor.

Amendment No. 1

Representative Crabb offered the following amendment to **HR 571**:

Amend **HR 571** on page 1, between lines 15 and 16, by inserting the following:

John Arthur Crabb and Ethan James Crabb, grandsons of Representative Joe Crabb;

Amendment No. 1 was adopted without objection.

HR 571, as amended, was adopted without objection.

HR 680

(by Hamric)

HR 680, Granting the American Legion permission to use the house chamber for its Boys State program June 13, 2003.

(Speaker in the chair)

HR 680 was adopted without objection.

HR 526

(by Elkins)

HR 526, Relating to a U.S. constitutional amendment to prohibit courts from mandating states or political subdivisions to levy or increase taxes.

HR 526 was adopted without objection.

**HB 1564 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 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.

On motion of Representative Truitt, the house concurred in the senate amendments to **HB 1564** by (Record 628): 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; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; 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; Noriega; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; 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 — Gutierrez; Oliveira.

Absent — Moreno, P.; Riddle; Ritter.

Senate Committee Substitute

HB 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.

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

SECTION 1. Section 12.101(a), Education Code, is amended to read as follows:

(a) In accordance with this subchapter, the State Board of Education may grant a charter on the application of an eligible entity for an open-enrollment charter school to operate in a facility of a commercial or nonprofit entity, an eligible entity, or a school district, including a home-rule school district. In this subsection, "eligible entity" means:

- (1) an institution of higher education as defined under Section 61.003;
- (2) a private or independent institution of higher education as defined under Section 61.003;
- (3) an organization that is exempt from taxation under Section 501(c)(3), Internal Revenue Code of 1986 (26 U.S.C. Section 501(c)(3)); or
- (4) a governmental entity.

SECTION 2. Subchapter D, Chapter 12, Education Code, is amended by adding Section 12.131 to read as follows:

Sec. 12.131. USE OF MUNICIPAL FUNDS FOR CHARTER SCHOOL LAND OR FACILITIES. A municipality to which a charter is granted under this subchapter may borrow funds, issue obligations, or otherwise spend its funds to acquire land or acquire, construct, expand, or renovate school buildings or facilities and related improvements for its open-enrollment charter school within the city limits of the municipality in the same manner the municipality is authorized to borrow funds, issue obligations, or otherwise spend its funds in connection with any other public works project.

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.

HR 1217 - ADOPTED (by Woolley)

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 1217**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1217, Honoring Amy Beth Ehlert of Brenham on her college graduation.

HR 1217 was adopted without objection.

**HR 1218 - ADOPTED
(by Woolley)**

Representative Woolley moved to suspend all necessary rules to take up and consider at this time **HR 1218**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1218, Honoring Lindsey Delise Thomas of Houston on her college graduation.

HR 1218 was adopted without objection.

HB 2922 - PRINTING RULE SUSPENDED

Representative Elkins moved to suspend House Rule 2, Section 1(a)(9) to permit **HB 2922** to be passed to third reading in the form of engrossed amendments in lieu of a full engrossment.

The motion prevailed without objection.

HR 571 - VOTE RECONSIDERED

Representative Hamric moved to reconsider the vote by which **HR 571** was adopted.

The motion to reconsider prevailed.

Amendment No. 2

Representative Hodge offered the following amendment to **HR 571**:

Amend **HR 571** on page 1, between lines 15 and 16, by inserting the following:

Nadia McCoy-Hodge, granddaughter of Representative Terri Hodge;

Amendment No. 2 was adopted without objection.

HR 571, as amended, was adopted without objection.

CONSTITUTIONAL RULE SUSPENDED

On motion of Representative E. Jones and by unanimous consent, the constitutional rule requiring bills to be read on three several days was suspended to place all bills on the major and general state calendars on third reading and final passage.

**MAJOR AND GENERAL STATE CALENDARS
SENATE BILLS
THIRD READING**

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

SB 165 ON THIRD READING
(J. Jones and E. Jones - House Sponsors)

SB 165, A bill to be entitled An Act relating to the authority of certain law enforcement agencies to remove certain personal property from a roadway or right-of-way.

Amendment No. 1

Representative Lewis offered the following amendment to **SB 165**:

Amend **SB 165** on third reading on page 2, between lines 11 and 12, by inserting the following:

(f) The fire department of a county or municipality may remove personal property described by Subsection (a)(2)(C) or (D) from a roadway or right-of-way if the fire department determines that the property blocks the roadway or endangers public safety.

(g) Personal property may be removed under Subsection (f) without the consent of the owner or carrier of the property. The owner and any carrier of personal property removed under that subsection shall reimburse the fire department for any reasonable cost of removal and disposition of the property.

(h) Notwithstanding any other provision of law, a fire department is not liable for:

(1) any damage to personal property removed from a roadway or right-of-way under Subsection (f), unless the removal is carried out recklessly or in a grossly negligent manner; or

(2) any damage resulting from the failure to exercise the authority granted to the fire department by Subsection (f).

Amendment No. 1 was withdrawn.

A record vote was requested.

SB 165 was passed by (Record 629): 147 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; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; 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; 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 — Gutierrez; Oliveira.

MOTION FOR ONE RECORD VOTE

On motion of Representative Chisum and by unanimous consent, the house agreed to use the record vote taken on third reading and final passage of **SB 165** (Record 629) for third reading bills that require a record vote, with the understanding that a member may record an individual vote on any of these bills with the journal clerk.

The following bills which were considered on second reading on today's supplemental calendar were laid before the house, read third time, and passed by Record No. 629 (members registering votes and the results of the vote are shown following bill number):

SB 404

SB 917

The following bills which were considered on second reading on today's supplemental calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

SB 486

SB 275

SB 281

SB 279

SB 501 (Rodriguez recorded voting no)

SB 146

SB 235

SB 710

SB 729

SB 1021

SB 1145

SB 1271

SB 1317

COMMITTEE GRANTED PERMISSION TO MEET

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, during bill referral today, speakers committee room, for a formal meeting.

FIVE DAY POSTING RULE SUSPENDED

Representative Lewis moved to suspend the five day posting rule to allow the Committee on County Affairs to consider **SB 1303** and **SB 1885**.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

County Affairs, 8 a.m. Monday, May 19, JHR 110, for a public hearing, to consider posted bills.

County Affairs, upon adjournment today, Desk 8, for a formal meeting, to consider pending business.

Criminal Jurisprudence, upon adjournment today, Desk 59, for a formal meeting, to consider **SB 45**, **SB 140**, **SB 191**, **SB 443**, **SB 782**, **SB 802**, **SB 837**, **SB 1129**, and **SB 1835**.

Judicial Affairs, upon adjournment today, Desk 70, for a formal meeting.

PROVIDING FOR ADJOURNMENT

Representative Grusendorf moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. Monday, May 19.

The motion prevailed without objection.

**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.)

(Oliveira now present)

(Rodriguez in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 4:10 p.m., adjourned until 10 a.m. Monday, May 19.

ADDENDUM

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 250 (By Branch), Congratulating Brent and Kindra Franklin of Arlington on the birth of their daughter, Brenna Kathryn Franklin.

To Rules and Resolutions.

HCR 251 (By Smithee), In memory of U.S. Air Force Captain Eric Bruce Das of Amarillo.

To Rules and Resolutions.

HCR 252 (By Corte), Calling a joint session of the legislature to honor all Texans killed during Operation Iraqi Freedom.

To House Administration.

HCR 253 (By Lewis), Honoring track and field legend Jim Hines for his remarkable athletic achievements.

To Rules and Resolutions.

HR 1116 (By Hughes), Honoring Marc Cohen and Patrick Walsh for their heroism in saving the life of a woman suffering from a seizure while driving and congratulating them on their receipt of the ALERT Academy commendation.

To Rules and Resolutions.

HR 1117 (By Luna), In memory of Donald McClure of Flour Bluff.

To Rules and Resolutions.

HR 1128 (By Bohac), Commending Sam and Susan Torn of Camp Ozark for inspiring generations of Texas youth.

To Rules and Resolutions.

HR 1129 (By Hughes), Honoring Charles Everett Dean on his retirement as mayor of Gilmer.

To Rules and Resolutions.

HR 1130 (By Griggs), Honoring Henry Schraub on his retirement as director of fine arts for the Birdville Independent School District.

To Rules and Resolutions.

HR 1131 (By Griggs), Congratulating Georgene Mais on her retirement as director of elementary education for the Birdville Independent School District.

To Rules and Resolutions.

HR 1137 (By Bonnen), In memory of Lee Arthur Wilson, Jr., of Brazoria County.

To Rules and Resolutions.

HR 1138 (By Hegar), Honoring Edwin "Bud" and Mavis Flukinger of Waller on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1139 (By Quintanilla), Honoring Gerald Ames, Tornillo I.S.D. Secondary Teacher of the Year.

To Rules and Resolutions.

HR 1140 (By Quintanilla), Honoring El Paso political activist Gina Rodriguez.

To Rules and Resolutions.

HR 1141 (By Quintanilla), Honoring Jackie Butler, Tornillo ISD Elementary Teacher of the Year.

To Rules and Resolutions.

HR 1142 (By Quintanilla), Congratulating Guillermo "Willie" Gandara on his appointment as president of the Socorro ISD.

To Rules and Resolutions.

HR 1143 (By Quintanilla), Congratulating William and Marie Rutherford of Horizon City on their 54th wedding anniversary.

To Rules and Resolutions.

HR 1144 (By Quintanilla), Congratulating Victoria Elena Pena Spoon on receiving her master's degree from The University of Texas at El Paso.

To Rules and Resolutions.

HR 1145 (By Quintanilla), In memory of Maria Isela Galvan of El Paso.

To Rules and Resolutions.

HR 1146 (By Quintanilla), Congratulating Martha Contreras on her appointment as vice president of the Socorro ISD.

To Rules and Resolutions.

HR 1148 (By Quintanilla), Honoring Sharon Thomas as a 2002-2003 Teacher of the Year for Fabens ISD.

To Rules and Resolutions.

HR 1149 (By Quintanilla), Honoring Laura Avalos as a 2002-2003 Teacher of the Year for Fabens ISD.

To Rules and Resolutions.

HR 1150 (By Quintanilla), Honoring Irma Zepeda as Teacher of the Year 2002-2003 in secondary education at the Clint Independent School District.

To Rules and Resolutions.

HR 1151 (By Quintanilla), Honoring Olga Hernandez as a 2002-2003 Teacher of the Year for Fabens ISD.

To Rules and Resolutions.

HR 1152 (By Quintanilla), Honoring Karen Trautman as a 2002-2003 Teacher of the Year for Fabens ISD.

To Rules and Resolutions.

HR 1153 (By Quintanilla), Congratulating Joseph Soria on his election to the Tornillo I.S.D. Board of Trustees.

To Rules and Resolutions.

HR 1154 (By Quintanilla), Honoring Barbara Perez on her election to the Socorro ISD board of trustees.

To Rules and Resolutions.

HR 1155 (By Quintanilla), Honoring Lucia McGuire as Teacher of the Year for 2002-2003 in elementary education at the Clint Independent School District.

To Rules and Resolutions.

HR 1156 (By Quintanilla), Honoring Penny Jones as a 2002-2003 Teacher of the Year for Fabens ISD.

To Rules and Resolutions.

HR 1157 (By Quintanilla), Honoring Sylvia Gonzalez on her election to Fabens ISD Board of Trustees.

To Rules and Resolutions.

HR 1158 (By Quintanilla), In memory of Mary H. Dipp of El Paso.

To Rules and Resolutions.

HR 1159 (By Eissler), In memory of Lynn Stark.

To Rules and Resolutions.

HR 1160 (By Goolsby), In memory of Willie James Reed, Sr., of Austin.

To Rules and Resolutions.

HR 1162 (By Bohac), In memory of Calvin Christopher "Chief" Morris of Houston.

To Rules and Resolutions.

HR 1163 (By Bohac), Honoring Lois Stromberg for her work as a Neighborhood Liaison during the 78th Texas Legislative Session.

To Rules and Resolutions.

HR 1164 (By Bohac), Honoring Wes Krueger of Houston as a Neighborhood Liaison.

To Rules and Resolutions.

HR 1165 (By Hughes), Honoring the Pittsburg Middle School band for receiving the UIL sweepstakes award.

To Rules and Resolutions.

HR 1173 (By Merritt), Honoring the Pine Tree High School UIL academic team for its performance at the state championship.

To Rules and Resolutions.

HR 1174 (By J. Keffer), Honoring Rod Tate of Early on his retirement from teaching.

To Rules and Resolutions.

HR 1175 (By J. Keffer), Honoring Bette Armstrong, the Toad Lady of Eastland County, for her many years of volunteer service in behalf of the community.

To Rules and Resolutions.

HR 1176 (By J. Keffer), In memory of Major Jay Thomas Aubin of the United States Marine Corps.

To Rules and Resolutions.

HR 1177 (By Nixon), Recognizing Christopher Albert "Chris" Lemming of Houston for attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1178 (By Nixon), Recognizing Benjamin James "Ben" Lemming of Houston for attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1179 (By Nixon), Recognizing Michael Joseph "Mike" Lemming of Houston for attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1180 (By Eissler), Congratulating Guy V. Lewis on his remarkable coaching career at the University of Houston and his outstanding contributions to collegiate basketball in the State of Texas.

To Rules and Resolutions.

HR 1182 (By Woolley), Recognizing May 11-17, 2003, as Transportation Week in Texas.

To Rules and Resolutions.

HR 1183 (By Hupp), Recognizing May 24, 2003, as Boerne Area Christian Homeschool Day and congratulating the school's 2003 graduating class.

To Rules and Resolutions.

HR 1184 (By Pitts), Honoring Laura Cross of Midlothian High School for winning the individual 4A UIL state championship gold medal in golf.

To Rules and Resolutions.

HR 1185 (By Hughes), Honoring Major General Vernon B. Lewis, Jr., and Patsy Jean Lewis on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1188 (By Hill), Congratulating John DeMattia on his 50th birthday.

To Rules and Resolutions.

HR 1189 (By Hill), Congratulating A. R. "Art" Roberts on being named 2002 Citizen of the Year in Richardson.

To Rules and Resolutions.

HR 1190 (By Quintanilla), Congratulating James Richard Pendell on his appointment to the Texas School Safety Center Board.

To Rules and Resolutions.

HR 1191 (By Pitts), Honoring Valerie Reese of Waxahachie for her selection by the Texas Association of Secondary School Principals (TASSP) as a member of the TASSP All-State Academic Excellence Team.

To Rules and Resolutions.

HR 1192 (By Pitts), Honoring Italy school superintendent Mike Clifton for his participation in the Boston Marathon.

To Rules and Resolutions.

HR 1193 (By Dawson), Honoring Ruby Rosa May Merrill Miles on her 89th birthday.

To Rules and Resolutions.

HR 1195 (By Hughes), Honoring the members of the Union Grove High School Marching Band of Gladewater for their success at UIL competition.

To Rules and Resolutions.

HR 1196 (By Lewis), In memory of Andrew Wayne Hoskings of Pflugerville.

To Rules and Resolutions.

HR 1197 (By Lewis), Honoring Lakendra Sharnae Stewart of Tyler for her service as a student intern during the 78th Legislative Session.

To Rules and Resolutions.

HR 1198 (By Lewis), Congratulating Charles L. Harvey on receiving the Marvin Sanders Gold Whistle Award.

To Rules and Resolutions.

HR 1199 (By Lewis), Commending the newly inducted members of the Dunbar Middle School National Junior Honor Society.

To Rules and Resolutions.

HR 1200 (By Castro), Welcoming Jacqueline Ann Willis, the Hong Kong commissioner to the United States, to the State Capitol on May 20, 2003.

To Rules and Resolutions.

HR 1201 (By Castro), Congratulating the Honorable Edward C. Prado on his confirmation to the United States Court of Appeals.

To Rules and Resolutions.

HR 1202 (By Castro), Honoring Ray Benke, Oscar Cortez, and Jose Hinojosa on their receipt of the Freedom Medal and the Korean War Commendation Medal.

To Rules and Resolutions.

HR 1203 (By Keel), Honoring Austin musician Kevin Fowler for his many achievements.

To Rules and Resolutions.

SB 5 to Natural Resources.

SB 20 to Transportation.
SB 24 to Natural Resources.
SB 25 to Natural Resources.
SB 58 to Human Services.
SB 75 to Economic Development.
SB 192 to Law Enforcement.
SB 203 to Transportation.
SB 216 to Public Health.
SB 292 to Licensing and Administrative Procedures.
SB 411 to County Affairs.
SB 474 to Public Health.
SB 478 to Business and Industry.
SB 563 to Insurance.
SB 588 to Civil Practices.
SB 738 to Natural Resources.
SB 767 to Transportation.
SB 769 to Public Health.
SB 787 to Public Health.
SB 791 to Judicial Affairs.
SB 795 to Criminal Jurisprudence.
SB 815 to Public Education.
SB 820 to Business and Industry.
SB 823 to Ways and Means.
SB 879 to Insurance.
SB 921 to Insurance.
SB 978 to Law Enforcement.
SB 1011 to Criminal Jurisprudence.
SB 1019 to County Affairs.
SB 1038 to Human Services.
SB 1061 to Insurance.
SB 1067 to Financial Institutions.
SB 1092 to Criminal Jurisprudence.
SB 1093 to Corrections.
SB 1117 to Insurance.

SB 1154 to State Cultural and Recreational Resources.
SB 1173 to State Health Care Expenditures, Select.
SB 1205 to Civil Practices.
SB 1215 to Elections.
SB 1230 to Higher Education.
SB 1245 to Higher Education.
SB 1252 to Law Enforcement.
SB 1254 to Transportation.
SB 1262 to Economic Development.
SB 1369 to State Health Care Expenditures, Select.
SB 1388 to State Affairs.
SB 1403 to State Affairs.
SB 1411 to Criminal Jurisprudence.
SB 1444 to Public Education.
SB 1450 to Judicial Affairs.
SB 1459 to County Affairs.
SB 1460 to County Affairs.
SB 1461 to County Affairs.
SB 1463 to Transportation.
SB 1466 to Local Government Ways and Means.
SB 1472 to County Affairs.
SB 1494 to Natural Resources.
SB 1499 to Transportation.
SB 1520 to Urban Affairs.
SB 1521 to Higher Education.
SB 1551 to Judicial Affairs.
SB 1570 to Natural Resources.
SB 1575 to Civil Practices.
SB 1582 to State Cultural and Recreational Resources.
SB 1592 to Urban Affairs.
SB 1643 to Elections.
SB 1652 to Higher Education.
SB 1659 to Local Government Ways and Means.
SB 1662 to Public Health.

SB 1670 to Insurance.
SB 1678 to Corrections.
SB 1679 to Law Enforcement.
SB 1706 to Transportation.
SB 1731 to County Affairs.
SB 1733 to County Affairs.
SB 1742 to Human Services.
SB 1751 to Border and International Affairs.
SB 1763 to Transportation.
SB 1777 to Urban Affairs.
SB 1780 to Ways and Means.
SB 1811 to Urban Affairs.
SB 1819 to Economic Development.
SB 1820 to Public Education.
SB 1861 to Appropriations.
SB 1899 to Natural Resources.
SB 1907 to Urban Affairs.
SB 1909 to Land and Resource Management.
SB 1912 to Urban Affairs.
SB 1915 to Judicial Affairs.
SB 1918 to Urban Affairs.
SB 1923 to Judicial Affairs.
SB 1925 to Natural Resources.
SB 1928 to Natural Resources.
SB 1932 to Judicial Affairs.
SB 1933 to Natural Resources.
SB 1935 to Natural Resources.
SB 1937 to Land and Resource Management.
SB 1940 to Judicial Affairs.
SB 1941 to Natural Resources.
SB 1942 to Higher Education.
SB 1944 to Local Government Ways and Means.
SB 1947 to Natural Resources.
SB 1948 to Criminal Jurisprudence.

SCR 14 to Public Health.

SCR 24 to State Affairs.

SCR 41 to State Cultural and Recreational Resources.

SCR 45 to State Affairs.

SCR 49 to Public Health.

SCR 51 to State Cultural and Recreational Resources.

SJR 42 to Financial Institutions.

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

SB 1903 to Local Government Ways and Means.

SIGNED BY THE SPEAKER

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

House List No. 39

HB 89, HB 587, HB 1022

Senate List No. 27

SB 40, SB 83, SB 261, SB 324, SB 358, SB 378, SB 408, SB 409, SB 558, SB 640, SB 641, SB 749, SB 850, SB 984, SB 1111, SB 1564, SB 1666, SB 1667

Senate List No. 28

SB 100, SB 132, SB 173, SB 317, SB 345, SB 527, SB 602, SB 604, SB 619, SB 657, SB 725, SB 726, SB 737, SB 825, SB 903, SB 996, SB 1012, SB 1050, SB 1051, SB 1151, SB 1409, SB 1532, SB 1800, SB 1883, SCR 35, SCR 40, SCR 47

Senate List No. 30

SB 7, SB 185, SB 189, SB 313, SB 421, SB 1237, SB 1577, SB 1578, SB 1764

Senate List No. 31

SB 652, SB 1063, SJR 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

Friday, May 16, 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:

LOCAL AND UNCONTESTED CALENDAR

SB 20

Armbrister

Relating to the issuance of certain permits for overweight vehicles; providing a penalty.

SB 24

Armbrister

Relating to the creation, administration, powers, duties, operation, and financing of the Ranch at Clear Fork Creek Municipal Utility District No. 1; granting the authority to impose taxes and issue bonds; granting the power of eminent domain.

SB 137

Ellis, Rodney

Relating to insurance policies insuring the life of an employee or former employee.

SB 292

Brimer

Relating to the regulation of athlete agents.

SB 411

Zaffirini

Relating to the salaries and longevity pay of sheriff department personnel in certain counties.

SB 478

Duncan

Relating to disqualification for eligibility for workers' compensation benefits of certain persons who perform services that benefit a political subdivision.

SB 588

Duncan

Relating to liability insurance coverage for certain nursing institutions.

SB 795

Gallegos

Relating to the punishment for a corporation or association convicted of an offense involving the criminally negligent inspection, maintenance, or operation of a commercial motor vehicle.

SB 815

Van de Putte

Relating to the development of essential knowledge and skills for subjects in the enrichment curriculum.

SB 879

Whitmire

Relating to appeals of adverse determinations made by health maintenance organizations.

SB 921

Whitmire

Relating to the authority of a judge to reduce or terminate the community supervision of a defendant convicted of an offense punishable as a state jail felony.

SB 1019

Duncan

Relating to the powers, duties, taxing authority, and dissolution procedure of the Ballinger Memorial Hospital District.

- SB 1092** Shapiro
Relating to evidence offered in the prosecution of the offense of child pornography.
- SB 1093** Shapiro
Relating to the civil commitment of sexually violent predators.
- SB 1205** Lindsay
Relating to liability of the state and certain political subdivisions for certain recreational activities.
- SB 1215** Van de Putte
Relating to changing the deadlines and authority for ordering the election and filing for candidacy in political subdivision elections.
- SB 1245** Armbrister
Relating to the governance of the Crime Victims' Institute.
- SB 1252** Armbrister
Relating to the regulation of certain activities associated with providing private security.
- SB 1254** Armbrister
Relating to the leasing and contracting powers of a port authority or navigation district.
- SB 1388** Armbrister
Relating to access to certain personal information under the public information law.
- SB 1411** Deuell
Relating to electronic surveillance.
- SB 1450** Harris
Relating to the authority of a guardian of the person of a ward to transport the ward to an inpatient mental health facility and file for emergency detention under certain circumstances and to consent to the administration of certain medication.
- SB 1551** Duncan
Relating to the creation and composition of judicial districts and the election and powers and duties of certain district attorneys.
- SB 1731** Gallegos
Relating to fees imposed by certain counties for the preservation, restoration, and management of certain county records.
- SB 1751** Lucio
Relating to the right of a foreign national to contact a foreign consular official.
- SB 1777** Gallegos
Relating to fire control, prevention, and emergency medical services districts of certain municipalities.
- SB 1907** Armbrister
Relating to the regulation of alarm systems and alarm systems companies.
- SB 1909** Lucio

Relating to the regulation of the subdividing or development of land in areas bordering the Rio Grande and the Laguna Madre or the Gulf of Mexico.

SB 1915 Armbrister
Relating to the terms of court of the 9th Judicial District.

SB 1918 Armbrister
Relating to the creation of the Katy Towne Centre Development District; providing authority to impose a tax and issue bonds.

SB 1923 Ogden
Relating to the application of the professional prosecutors law to the district attorney for the 258th Judicial District.

SB 1932 Ogden
Relating to the performance of the duties of a district attorney by the prison prosecution unit in Trinity County.

SB 1933 Staples
Relating to the exclusion of property from Waterwood Municipal Utility District No. 1.

SB 1940 Armbrister
Relating to the County Court at Law of Aransas County.

SB 1941 Averitt
Relating to the creation, administration, powers, duties, operation, and financing of the Lake Alan Henry Water District; granting the power of eminent domain; authorizing the issuance of bonds and the imposition of taxes.

SB 1947 Lucio
Relating to the creation, administration, powers, duties, operation, and financing of the Heritage Groundwater Conservation District; granting the authority to impose taxes.

SCR 24 Jackson
Directing the Texas Building and Procurement Commission to name the new public health laboratory building for Dr. Jesse Vernal Irons.

SCR 41 Armbrister
Directing the Texas Parks and Wildlife Department, Texas Commission on Environmental Quality, and Texas Water Development Board to exclude consideration of recreational fishing restrictions in any study of Texas bays and estuaries.

SCR 45 Fraser
Directing the Texas Building and Procurement Commission to rename the Brownwood State School - Units I and II for Mr. Ron Jackson as a tribute to his commitment to public service and his many contributions to the betterment of the State of Texas.

SCR 49 Lucio

Requesting the lieutenant governor and the speaker to create a joint interim committee to study issues related to nutrition among Texas public school children.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Friday, May 16, 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:

LOCAL AND UNCONTESTED CALENDAR

HB 227 Keel SPONSOR: Jackson
Relating to certain notice requirements in a court order providing for the possession of or access to a child.
(Committee Substitute)

HB 263 Goodman SPONSOR: Ellis, Rodney
Relating to the establishment and operation of children's advocacy centers.

HB 295 Smith, Todd SPONSOR: Wentworth
Relating to the security required to contest an application for certain alcoholic beverage licenses.

HB 501 Telford SPONSOR: Ratliff
Relating to the jurisdiction of the County Court of Marion County.

HB 655 Menendez SPONSOR: Madla
Relating to the sale of property by a defense base development authority.

HB 829 Hughes SPONSOR: Ratliff
Relating to jurisdiction to enter certain orders in a failure to attend school proceeding.

HB 854 West, George "Buddy" SPONSOR: Duncan
Relating to the eligibility of public schools and libraries for certain funds.
(Amended)

HB 884 Dutton SPONSOR: Lucio

Relating to alternative dispute resolution statements required in a suit for dissolution of a marriage and a suit affecting the parent-child relationship.

HB 1150 Puente SPONSOR: Wentworth
Relating to the financing of certain local water, conservation, and open-space projects in accordance with the law governing sports and community venue projects.
(Committee Substitute)

HB 1156 Giddings SPONSOR: Fraser
Relating to adoption of the Business Organizations Code.

HB 1226 Eissler SPONSOR: Williams
Relating to a closed meeting for a school board deliberation that will necessarily reveal personally identifiable information about a public school student.

HB 1231 Geren SPONSOR: Lucio
Relating to management of the Gulf Coast Intracoastal Waterway.

HB 1306 Marchant SPONSOR: Wentworth
Relating to the confidentiality of certain information relating to real property purchased or sold by certain state agencies.
(Amended)

HB 1364 Dukes SPONSOR: Ellis, Rodney
Relating to emergency shelter and care for minors.

HB 1949 Eissler SPONSOR: Van de Putte
Relating to the finality of a grade issued by a public school teacher.

HB 2031 Puente SPONSOR: Madla
Relating to the regulation of stormwater management by certain counties.

HB 3149 Wilson SPONSOR: Harris
Relating to conflicts of interest involving lobbyists.
(Amended)

HCR 56 Delisi SPONSOR: Nelson
Urging the secretary of the United States Department of Health and Human Services to authorize any section 1115 demonstration waivers.
(Committee Substitute)

HCR 57 Delisi SPONSOR: Nelson
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.

SB 5 Averitt
Relating to the creation, administration, powers, duties, functions, operations, and financing of the Johnson County Special Utility District; authorizing the imposition of taxes and the issuance of bonds.

SB 25 Lucio
Relating to the creation, administration, powers, duties, operation, and financing of the Kenedy County Groundwater Conservation District.

- SB 192** Barrientos
Relating to the purchase of a badge, insignia, weapon, or uniform of a peace officer or firefighter.
- SB 216** Zaffirini
Relating to the disposal by a veterinarian of animal remains and associated medical waste.
- SB 767** Jackson
Relating to the creation of the Harris County Road Improvement District No. 1; providing authority to impose a tax and issue bonds.
- SB 1038** Barrientos
Relating to the transfer of the Communities In Schools program.
- SB 1154** Shapleigh
Relating to state publications maintained by the Texas State Library and Archives Commission.
- SB 1173** Janek
Relating to prescription drug benefits under the group health benefit programs for certain governmental employees and retired employees.
- SB 1403** Lucio
Relating to requiring the Texas State Library and Archives Commission and the Department of Information Resources to establish a searchable database for grants awarded by state agencies.
- SB 1459** Lindsay
Relating to access to criminal history record information by a county fire marshal.
- SB 1461** Lindsay
Relating to the sale of used fire-fighting equipment to certain volunteer fire departments.
- SB 1463** Lindsay
Relating to the conversion of a nontoll state highway to a toll facility.
- SB 1472** West
Relating to zoological operation and maintenance boards; authorizing taxes and bonds.
- SB 1494** Madla
Relating to the powers of Bexar Metropolitan Water District.
- SB 1520** Lucio
Relating to the Texas Housing Finance Corporations Act.
- SB 1570** Madla
Relating to certain public water supply wells in the Trinity Glen Rose Groundwater Conservation District.
- SB 1643** Staples
Relating to the appointment of election officers for a central counting station for certain elections.
- SB 1659** Madla
Relating to certain ad valorem tax exemptions, payments, and refunds.

SB 1670

Averitt

Relating to the ability of a health maintenance organization to provide accessible and affordable benefit plans.

SB 1733

Gallegos

Relating to the creation of an appeals process for the termination or suspension of deputy constables in certain counties.

SB 1811

Whitmire

Relating to service of process and to the ability to sue and be sued of a sports and community venue district.

SB 1820

Van de Putte

Relating to criteria for rating the performance of school districts.

SCR 14

Shapleigh

Memorializing the U.S. Congress to take actions to improve access to childhood vaccines.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 16, 2003 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 555

Chisum

SPONSOR: Armbrister

Relating to notice requirements for certain portable facilities under the Clean Air Act.

(Committee Substitute/Amended)

HCR 5

Homer

SPONSOR: Ratliff

In memory of Cordelia Maxine Knight of Paris.

HCR 6

Homer

SPONSOR: Ratliff

Honoring the life of P. A. Thomas, Jr., of Titus County.

HCR 102

Gallego

SPONSOR: Madla

Honoring the musical legacy of Robert "Wolfman Jack" Smith.

HCR 196

Campbell

SPONSOR: Duncan

Honoring Marine Lance Corporal Kyle Howard of San Angelo for heroic bravery displayed during Operation Iraqi Freedom.

- HCR 201** Gallego SPONSOR: Madla
Congratulating U.S. Olympian Todd Hays of Del Rio.
- HCR 221** Branch SPONSOR: Carona
Congratulating Ray and Kimberly Faust of Austin on the birth of their daughter, Konner Mikus Faust.
- SB 58** Zaffirini
Relating to the creation of a relative caregiver placement pilot program for certain children for whom the Department of Protective and Regulatory Services is appointed managing conservator.
- SB 75** Zaffirini
Relating to child-care services for certain low-wage employees.
- SB 203** Janek
Relating to fees charged for certain transportation services to and from cruise ship terminals.
- SB 474** Lucio
Relating to an interim study on nutrition and health in public schools.
- SB 563** Lucio
Relating to health benefit plan coverage for an enrollee with autism or a pervasive developmental disorder.
- SB 769** Carona
Relating to the licensing and regulation of surgical assistants.
- SB 787** Carona
Relating to the deadline for passing the examination for a license to practice medicine in this state.
- SB 791** West
Relating to a program to monitor the collection and remittance of certain court costs and fees.
- SB 820** Fraser
Relating to the assignment of impairment ratings to injured employees.
- SB 978** Wentworth
Relating to the automation of the compulsory motor vehicle inspection system.
- SB 1011** West
Relating to the questioning of prospective jurors during voir dire examination.
- SB 1230** Wentworth
Relating to authorizing an environmental service fee at Southwest Texas State University.
- SB 1262** Armbrister
Relating to the use of certain incentives by municipalities for certain economic development.
- SB 1444** Barrientos
Relating to safety regulations for certain extracurricular school activities.
- SB 1460** Lindsay
Relating to county fire marshals and county fire protection; providing penalties.

- SB 1499** Madla
Relating to contracts for the design and construction of transportation projects by the Texas Department of Transportation.
- SB 1521** Zaffirini
Relating to tuition charged by a public institution of higher education for certain graduate programs.
- SB 1592** West
Relating to applications for and allocations of reservations of the state ceiling among issuers of qualified residential rental project bonds.
- SB 1652** Shapiro
Relating to institutions of higher education, including the administration, operation, governance, and financing of those institutions.
- SB 1679** Gallegos
Relating to driving records and to the operation of commercial motor vehicles; creating an offense.
- SB 1706** Wentworth
Relating to the authorization of airport authorities and the issuance of bonds and exercise of eminent domain by the authorities.
- SB 1742** Zaffirini
Relating to the transfer of money appropriated to provide care for certain persons in nursing facilities to provide community-based services to those persons.
- SB 1780** Ogden
Relating to claiming a franchise tax credit for certain qualified capital investments.
- SB 1819** Van de Putte
Relating to considering the economic impact to the state in awarding certain Texas Lottery Commission contracts.
- SB 1899** Staples
Relating to permit requirements for groundwater transfers out of Pineywoods Groundwater Conservation District.
- SB 1912** Jackson
Relating to the creation of the Harborside Management District; providing authority to impose taxes and issue bonds.
- SB 1925** Estes
Relating to the powers, financing, and fees of office for the Rolling Plains Groundwater Conservation District.
- SB 1928** Staples
Relating to the boundaries of the Athens Municipal Water Authority.
- SB 1935** Fraser
Relating to the law governing the Brazos River Authority and the law governing the Lower Colorado River Authority.
- SB 1937** Armbrister
Relating to the apportionment of municipal infrastructure costs to developers.
- SB 1944** Fraser

Relating to the creation of the Temple Health and Bioscience Economic Development District; providing authority to impose a tax and issue bonds.

SB 1948 Whitmire

Relating to the release on bond of certain applicants for a writ of habeas corpus.

SCR 51 Lucio

Commemorating the 150th anniversary of the King Ranch.

SJR 42 Carona

Proposing a constitutional amendment authorizing a home equity line of credit, providing for administrative interpretation of home equity lending law, and otherwise relating to the making, refinancing, repayment, and enforcement of home equity loans.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 7 (viva-voce vote)

SB 185 (31 Yeas, 0 Nays)

SB 189 (viva-voce vote)

SB 313 (31 Yeas, 0 Nays)

SB 421 (viva-voce vote)

SB 652 (31 Yeas, 0 Nays)

SB 1063 (viva-voce vote)

SB 1237 (31 Yeas, 0 Nays)

SB 1577 (viva-voce vote)

SB 1578 (viva-voce vote)

SB 1764 (31 Yeas, 0 Nays)

SJR 55 (31 Yeas, 0 Nays)

THE SENATE HAS REFUSED TO CONCUR IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

SB 287

Senate Conferees: Ellis, Rodney - Chair/Jackson/Nelson/Ratliff/Wentworth

SB 418

Senate Conferees: Nelson - Chair/Deuell/Ellis, Rodney/Janek/Van de Putte

SB 504

Senate Conferees: Ogden - Chair/Armbrister/Duncan/Lucio/Williams

SB 1224

Senate Conferees: Ellis, Rodney - Chair/Duncan/Ratliff/Whitmire/Williams

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 1567

Senate Conferees: Bivins - Chair/Armbrister/Duncan/Staples/Whitmire

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Friday, May 16, 2003 - 4

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 738

Duncan

Relating to the notice, hearing, and permitting process for groundwater conservation districts.

SB 823

Fraser

Relating to administration of the sales and use tax and compliance with the Streamlined Sales and Use Tax Agreement.

SB 1061

Ellis, Rodney

Relating to discrimination related to the business of insurance and to the use of insurance policy proceeds for certain victims of past discrimination; creating an offense.

SB 1067

Carona

Relating to home equity lending and high-cost home loans.

SB 1117

Williams

Relating to optional benefits under the Texas school employees uniform group coverage program.

SB 1369

Duncan

Relating to certain group benefits for retired school employees.

SB 1370

Duncan

Relating to certain group benefit plans provided to certain governmental officers, employees, and retirees and their dependents.

SB 1466

Lindsay

Relating to hotel occupancy taxes and the financing of convention center facilities in certain counties.

SB 1575

Carona

Relating to immunity from civil liability arising from activities of the Texas Workers' Compensation Commission medical quality review panel.

SB 1582 Wentworth

Relating to authorizing political subdivisions and property owners' associations to trap and transport white-tailed deer.

SB 1662 Duncan

Relating to the care of elementary and secondary school students with diabetes.

SB 1678 Whitmire

Relating to the organization and duties of the Board of Pardons and Paroles.

SB 1763 Ogden

Relating to vehicle weights.

SB 1861 Bivins

Relating to directing payment, after approval, of certain miscellaneous claims and judgments against the state out of funds designated by this Act; making appropriations.

SB 1942 Wentworth

Relating to the name of Southwest Texas State University.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 15

Agriculture and Livestock - **SB 1700**

Business and Industry - **SB 92**

Environmental Regulation - **SB 585, SB 599, SB 1159**

Natural Resources - **SB 367, SB 368, SB 369, SB 370, SB 371, SB 372**

Public Education - **SB 900, SB 976, SB 1394**

Transportation - **SB 487, SB 972, SB 1884**

SIGNED BY THE GOVERNOR

May 15 - HB 233, HB 234, HB 522, HB 601, HB 641, HB 935, HB 970, HB 988, HB 1049, HB 1138, HB 1234, HB 1369, HB 1370, HB 1522, HB 1677, HB 1819, HB 1820, HCR 36

