

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-NINTH DAY — MONDAY, MAY 16, 2005

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

The roll of the house was called and a quorum was announced present (Record 671).

Present — Mr. Speaker; Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bailey; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

The invocation was offered by Archbishop Joseph Fiorenza, Houston.

The speaker recognized Representative Coleman who led the house in the pledges of allegiance to the United States and Texas flags.

REGULAR ORDER OF BUSINESS SUSPENDED

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

CAPITOL PHYSICIAN

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

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

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **SB 1**:

Kolkhorst on motion of Solomons.

Luna on motion of Solomons.

Turner on motion of Solomons.

The following members were granted leaves of absence for the remainder of today to attend a meeting of the conference committee on **SB 1**:

Gattis on motion of Solomons.

Pitts on motion of Solomons.

MESSAGE FROM THE SENATE

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

**HR 1727 - ADOPTED
(by Coleman)**

Representative Coleman moved to suspend all necessary rules to take up and consider at this time **HR 1727**.

The motion prevailed.

The following resolution was laid before the house:

HR 1727, Recognizing Archbishop Joseph A. Fiorenza of the Archdiocese of Galveston-Houston as Pastor of the Day on May 16, 2005.

HR 1727 was read and was adopted.

INTRODUCTION OF GUEST

The speaker recognized Representative Coleman who introduced Archbishop Joseph A. Fiorenza.

(Berman in the chair)

**HR 613 - READ
(by Hardcastle)**

The chair laid out and had read the following previously adopted resolution:

HR 613, Commemorating the Great Western Trail.

HR 613 - MOTION TO ADD NAMES

On motion of Representative Chisum, the names of all the members of the house were added to **HR 613** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representatives Hardcastle and Casteel who introduced Robert Kerr and Robbie Clay Tinney of the Great Western Trail group.

HR 1531 - ADOPTED
(by Uresti)

Representative Uresti moved to suspend all necessary rules to take up and consider at this time **HR 1531**.

The motion prevailed.

The following resolution was laid before the house:

HR 1531, Commending Jose M. Lopez of San Antonio for his heroism during World War II.

HR 1531 was read and was adopted.

On motion of Representative Escobar, the names of all the members of the house were added to **HR 1531** as signers thereof.

HR 1520 - ADOPTED
(by Hunter, Goolsby, M. Noriega, Griggs, and McReynolds)

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 1520**.

The motion prevailed.

The following resolution was laid before the house:

HR 1520, Honoring David Leeson on his receipt of a 2004 Pulitzer Prize for his photojournalistic coverage of the invasion of Iraq.

HR 1520 was read and was adopted.

On motion of Representatives Giddings and Goolsby, the names of all the members of the house were added to **HR 1520** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hunter who introduced David Leeson and his family.

HR 1347 - READ
(by F. Brown, Dukes, Homer, Gattis, et al.)

The chair laid out and had read the following previously adopted resolution:

HR 1347, Honoring the students from the Texas A&M Public Policy Internship Program on their service throughout the 79th Legislature.

INTRODUCTION OF GUESTS

The chair recognized Representative F. Brown who introduced participants of the Texas A&M Public Policy Internship Program.

HR 1514 - ADOPTED
(by Dunnam, et al.)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 1514**.

The motion prevailed.

The following resolution was laid before the house:

HR 1514, Honoring the Brazos Higher Education Authority, Inc., on its 30th anniversary.

HR 1514 was read and was adopted.

On motion of Representative Laney, the names of all the members of the house were added to **HR 1514** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Gallego who introduced The Honorable Murray Watson.

HR 1655 - ADOPTED (by Hill)

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 1655**.

The motion prevailed.

The following resolution was laid before the house:

HR 1655, Honoring Texas Instruments, Incorporated, on the occasion of its 75th anniversary.

HR 1655 was read and was adopted.

On motion of Representatives Goolsby, Anchia, Madden, Reyna, and Giddings, the names of all the members of the house were added to **HR 1655** as signers thereof.

INTRODUCTION OF GUEST

The chair recognized Representative Hill who introduced Gray Mayers of Texas Instruments.

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. 42).

PROVIDING FOR A LOCAL, CONSENT, AND RESOLUTIONS CALENDAR

Representative Reyna moved to set a local, consent, and resolutions calendar for 9 a.m. Friday, May 20.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Local and Consent Calendars, 4 p.m. or upon final adjournment today, E2.024, for a formal meeting, to consider a local and consent calendar.

Public Health, upon lunch recess today, Desk 39, for a formal meeting, to consider pending legislation.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 5 ON THIRD READING
(Solomons - House Sponsor)**

SB 5, A bill to be entitled An Act relating to the continuation and operation of the workers' compensation system of this state and to the abolition of the Texas Workers' Compensation Commission, the establishment of the office of injured employee counsel, and the transfer of the powers and duties of the Texas Workers' Compensation Commission to the Texas Department of Insurance and the office of injured employee counsel; providing administrative violations.

SB 5 was passed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

LEAVE OF ABSENCE GRANTED

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

Solis on motion of McReynolds.

**MAJOR STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 419 ON SECOND READING
(Solomons - House Sponsor)**

CSSB 419, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Medical Examiners, Texas State Board of Physician Assistant Examiners, and Texas State Board of Acupuncture Examiners and the regulation of health care professions regulated by those state agencies; providing administrative penalties.

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

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

Farrar on motion of Coleman.

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 No. 21).

CSSB 419 - (consideration continued)

Representative Solomons moved to postpone consideration of **CSSB 419** until 1 p.m. today.

The motion prevailed.

CSSB 368 ON SECOND READING

(Hartnett, Luna, Pitts, P. King, and Dutton - House Sponsors)

CSSB 368, A bill to be entitled An Act relating to the compensation of state judges and to the computation of retirement benefits for state judges and for members of the elected class of the Employees Retirement System of Texas.

Amendment No. 1

Representative Hartnett offered the following amendment to **CSSB 368**:

Section 20 of **CSSB 368** is amended by striking the proposed new Sec. 133.105 (b) on lines 12-17, page 13 and substituting the following:

(b) The treasurer shall deposit 60 cents of each fee collected under this section in the general fund of the municipality or county to promote the efficient operation of the municipal or county courts and the investigation, prosecution, and enforcement of offenses that are within the jurisdiction of the courts.

(Giddings in the chair)

Amendment No. 1 was adopted. (Keel recorded voting present, not voting.)

Amendment No. 2

Representative McCall offered the following amendment to **CSSB 368**:

Amend **CSSB 368** (House Committee Report) as follows:

(1) In SECTION 15 of the bill, in proposed Section 839.102(d), Government Code (page 10, line 7), between "840.1025(a)" and the period, insert "or 840.1027".

(2) Strike SECTION 16 of the bill, amending Section 840.102, Government Code (page 10, lines 11-16), and substitute the following:

SECTION 16. Section 840.102, Government Code, is amended by amending Subsections (a) and (g) and adding Subsection (h) to read as follows:

(a) Except as provided by Subsections [Subsection] (g) and (h), each payroll period, a judicial officer who is a member of the retirement system is required to contribute six percent of the officer's state compensation for the period to the retirement system.

(g) Except as provided by Section 840.1025, a [A] member who accrues 20 years of service credit in the retirement system ceases making contributions under this section but is considered a contributing member for all other purposes under this subtitle.

(h) Except as provided by Section 840.1027, if a member has served at least 12 years on an appellate court and the sum of the member's age and amount of service credited in the retirement system equals or exceeds the number 70, the member ceases making contributions under this section. A member described by this subsection is considered a contributing member for all other purposes under this subtitle.

(3) Between SECTIONS 17 and 18 of the bill (page 11, between lines 4 and 5), insert the following appropriately numbered SECTION and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. Subchapter B, Chapter 840, Government Code, is amended by adding Section 840.1027 to read as follows:

Sec. 840.1027. CONTRIBUTIONS AFTER ATTAINING RULE OF 70.
(a) A judicial officer who is a member of the retirement system, who has served at least 12 years on an appellate court, and the sum of whose age and amount of service credited in the retirement system equals or exceeds the number 70 may elect to make contributions for each subsequent year of service credit that the member accrues by filing an application with the retirement system.

(b) A member who elects to make contributions under Subsection (a) shall contribute two percent of the member's state compensation for each payroll period in the manner provided by Sections 840.102(b)-(f). Section 840.105 does not apply to a contribution under this section.

(c) A member may not make contributions under this section for more than 10 years of subsequent service credit that the member accrues.

Amendment No. 2 was adopted. (Keel recorded voting present, not voting.)

Amendment No. 3

Representative Vo offered the following amendment to **CSSB 368**:

Amend **CSSB 368** (House Committee Printing) as follows:

(1) In SECTION 20 of the bill, in proposed Subsection (a), Section 133.105, Local Government Code (page 13, line 9), strike "\$4" and substitute "\$7".

(2) In SECTION 20 of the bill, immediately following proposed Subsection (b), Section 133.105, Local Government Code (page 13, between lines 17 and 18), insert the following new subsection and renumber subsequent subsections accordingly:

(c) The treasurer shall remit \$3 of each fee collected under this section to the comptroller for deposit in the fair defense account.

(3) In SECTION 25 of the bill, in proposed subdivision (22), Section 102.021, Government Code (page 35, line 14), strike "\$4" and substitute "\$7".

(4) Between SECTIONS 30 and 31 of the bill (page 36, between lines 19 and 20), insert the following appropriately numbered section and renumber subsequent sections of the bill accordingly:

SECTION __. The fee imposed under Section 133.105, Local Government Code, as added by this Act, applies only on conviction for an offense committed on or after the effective date of this Act. A conviction for an offense committed before the effective date of this Act is governed by the law in effect at the time

the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

(Speaker in the chair)

Amendment No. 3 was adopted. (The vote was reconsidered later today, and Amendment No. 3 was withdrawn.)

Amendment No. 4

Representative Homer offered the following amendment to **CSSB 368**:

CSSB 368 is amended by adding a new Section __ to read as follows and renumbering all following sections accordingly.

SECTION __. Section 26.006 (a), Government Code, is amended to read as follows:

(a) A county judge is entitled to an annual salary supplement from the state of \$15,000 [~~\$10,000~~] if at least 40 percent of the functions that the judge performs are judicial functions.

Amendment No. 4 was withdrawn.

Amendment No. 5

Representatives Homer, Campbell, Farabee, and Hamilton offered the following amendment to **CSSB 368**:

Amend **CSSB 368** (House Committee Printing) by adding the following appropriately numbered section and renumbering subsequent sections of the bill accordingly.

SECTION __. Section 26.006 (a), Government Code, is amended to read as follows:

(a) A county judge is entitled to an annual salary supplement from the state of \$12,000 [~~\$10,000~~] if at least 40 percent of the functions that the judge performs are judicial functions.

Amendment No. 5 was adopted. (Anderson, B. Brown, Keel, and Peña recorded voting no.)

Amendment No. 3 - Vote Reconsidered

Representative Vo moved to reconsider the vote by which Amendment No. 3 was adopted.

The motion to reconsider prevailed.

Amendment No. 3 was withdrawn.

CSSB 368, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Anderson, Burnam, Crabb, Gallego, Hochberg, Hope, and Menendez recorded voting no; Farabee, Keel, Laney, Peña, and Talton recorded present, not voting.)

REASON FOR VOTE

Judges deserve a raise, but so do teachers, state employees, and other public servants. Priority should be given to educational personnel.

Gallego

**SB 403 ON SECOND READING
(Truitt - House Sponsor)**

SB 403, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Examiners of Perfusionists; providing an administrative penalty.

SB 403 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 415 ON SECOND READING
(Truitt - House Sponsor)**

SB 415, A bill to be entitled An Act relating to continuation and functions of the Texas State Board of Social Worker Examiners; providing an administrative penalty.

Amendment No. 1

Representative Corte offered the following amendment to **SB 415**:

Amend the proposed substitute to **SB 415** by inserting the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter G, Chapter 505, Occupations Code, is amended by adding Section 505.3575 to read as follows:

Sec. 505.3575. ISSUANCE OF LICENSES TO CERTAIN OUT-OF-STATE APPLICANTS. (a) Notwithstanding any other licensing requirement of this subchapter:

(1) the board may not require an applicant who is licensed in good standing in another state to pass a licensing examination conducted by the board under Section 505.354 if an applicant with substantially equivalent experience who resides in this state would not be required to take the licensing examination; and

(2) the board may issue a license to an applicant who is currently licensed in another state to independently practice social work if:

(A) after an assessment, the board determines that the applicant:

(i) demonstrates sufficient experience and competence;

(ii) has passed the jurisprudence examination conducted by the

board under Section 505.3545; and

(iii) at the time of the application, is in good standing with the regulatory agency of the state in which the applicant is licensed; and

(B) the applicant presents to the board credentials that the applicant obtained from a national accreditation organization and the board determines that the requirements to obtain the credentials are sufficient to minimize any risk to public safety.

(b) When assessing the experience and competence of an applicant for the purposes of this section, the board may take into consideration any supervision received by the applicant in another state or jurisdiction if the board determines that the supervision would be taken into consideration for the purpose of licensing or certification in the state or jurisdiction in which the applicant received the supervision.

Amendment No. 1 was adopted.

SB 415, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**CSSB 310 ON SECOND READING
(Bohac - House Sponsor)**

CSSB 310, A bill to be entitled An Act relating to certain diseases or illnesses suffered by firefighters and emergency medical technicians.

CSSB 310 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**SB 46 ON SECOND READING
(Delisi - House Sponsor)**

SB 46, A bill to be entitled An Act relating to the establishment of a method to integrate benefits issuance and recipient identification for health and human services programs.

SB 46 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

**CSSB 48 ON SECOND READING
(Hupp - House Sponsor)**

CSSB 48, A bill to be entitled An Act relating to reporting requirements for convalescent and nursing homes and related institutions.

CSSB 48 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSSB 495 ON SECOND READING
(Turner - House Sponsor)

CSSB 495, A bill to be entitled An Act relating to the fee paid to the attorney general for examining the record of proceedings authorizing the issuance of a public security or related credit agreement.

CSSB 495 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 1330 ON SECOND READING
(Coleman - House Sponsor)

SB 1330, A bill to be entitled An Act relating to the immunization of elderly persons by certain health care facilities.

SB 1330 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 1787 ON SECOND READING
(Hilderbran - House Sponsor)

SB 1787, A bill to be entitled An Act relating to the designation and duties of the state historian.

SB 1787 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 447 ON SECOND READING
(Madden - House Sponsor)

SB 447, A bill to be entitled An Act relating to the sale of tax receivables by a local government.

Representative Madden moved to postpone consideration of **SB 447** until 10 a.m. tomorrow.

The motion prevailed.

RESOLUTIONS CALENDAR

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

CSHR 703
(by Hamric)

CSHR 703, Electing the children of house members to the honorary office of mascot.

Amendment No. 1

Representative Herrero offered the following amendment to **CSHR 703**:

Amend **CSHR 703** (House Committee Report) on page 1, line 21, by striking "Annalisa Herrero, daughter of Representative Abel Herrero;" and inserting "Annalisa Herrero and Andrea Herrero, daughters of Representative Abel Herrero;"

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hegar offered the following amendment to **CSHR 703**:

Amend **CSHR 703** (House Committee Report) on page 1, line 21, by adding in the appropriate place the following:

"Claire Anne Hegar, daughter of Representative Glen Hegar;"

Amendment No. 2 was adopted.

CSHR 703, as amended, was adopted.

CSHR 704
(by Hamric)

CSHR 704, Designating the grandchildren of house members as honorary mascots.

CSHR 704 was adopted. (The vote was reconsidered later today, and **CSHR 704** was amended and was adopted.)

SB 547 - RECOMMITTED

Representative Puente moved to recommit **SB 547** to the Committee on Natural Resources.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative P. King moved to suspend the five day posting rule to allow the Committee on Regulated Industries to consider **SB 711**, **SB 1748**, **SB 1794**, and pending business upon adjournment tomorrow in JHR 140.

The motion prevailed.

Representative Mowery moved to suspend the five day posting rule to allow the Committee on Land and Resource Management to consider **SB 471**, **SB 1104**, and **SB 1498**.

The motion prevailed.

Representative Delisi moved to suspend the five day posting rule to allow the Committee on Public Health to consider **SB 44**, **SB 47**, **SB 609**, **SB 873**, **SB 1329**, and **SB 1340** upon adjournment tomorrow in E2.010.

The motion prevailed.

Representative West moved to suspend the five day posting rule to allow the Committee on Energy Resources to consider **HCR 166** and **SB 1130** at 8 a.m. tomorrow in JHR 110.

The motion prevailed.

Representative Talton moved to suspend the five day posting rule to allow the Committee on Urban Affairs to consider **SB 1341**, **SB 1805**, **SB 1820**, and **SB 1836** during the previously posted hearing at 8 a.m. tomorrow in E1.026.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Human Services, upon lunch recess today, Desk 31, for a formal meeting, to consider committee business.

Ways and Means, upon adjournment today, Desk 108, for a formal meeting, to consider **SB 867**, **SB 1570**, and **SB 1764**.

Regulated Industries, upon adjournment tomorrow, JHR 140, for a public hearing, to consider **SB 711**, **SB 1748**, **SB 1794**, and pending business.

Land and Resource Management, 8 a.m. May 19, E2.014, for a public hearing, to consider **SB 471**, **SB 1104**, **SB 1498**, and pending business.

Urban Affairs, 8 a.m. tomorrow, E1.026, for a public hearing, to consider **SB 1341**, **SB 1805**, **SB 1820**, **SB 1836**, and previously posted bills.

RECESS

At 12:16 p.m., the speaker announced that the house would stand recessed until 1:30 p.m. today.

AFTERNOON SESSION

The house met at 1:30 p.m. and was called to order by the speaker.

(Turner and Kolkhorst now present)

POSTPONED BUSINESS

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

CSSB 419 ON SECOND READING

(Solomons - House Sponsor)

CSSB 419, A bill to be entitled An Act relating to the continuation and functions of the Texas State Board of Medical Examiners, Texas State Board of Physician Assistant Examiners, and Texas State Board of Acupuncture Examiners and the regulation of health care professions regulated by those state agencies; providing administrative penalties.

CSSB 419 was read second time earlier today and was postponed until this time.

(Woolley in the chair)

LEAVE OF ABSENCE GRANTED

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

Hodge on motion of Keel.

MESSAGE FROM THE SENATE

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

CSSB 419 - (consideration continued)

Amendment No. 1

Representative Solomons offered the following amendment to **CSSB 419**:

Amend **CSSB 419** (House Committee Printing) as follows:

(1) On page 26, line 6, after the period, add the following:

"In the event that a decision of the board or the State Office of Administrative Hearings is appealed to district court or other court, the confidentiality protections relating to the medical peer review committee documents shall continue."

(2) On page 26, beginning at line 9, strike "if the records are available to the board through a means other than a medical peer review committee's records." and insert "or records made or maintained in the regular course of business, if the records are not considered confidential under this chapter or any other law and are otherwise available to the board."

(3) On page 35, line 15, after the period, add the following:

"When admitted into evidence, this information shall be admitted under seal to protect the confidentiality of the documents. In the event that a decision of the board or the State Office of Administrative Hearings is appealed to a district court or other court, the confidentiality protections relating to the medical peer review committee documents shall continue."

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hartnett offered the following amendment to **CSSB 419**:

Amend **CSSB 419** by adding the following appropriately numbered section to Article 1 of the bill and renumbering the sections of that article accordingly:

SECTION __. Section 164.052 (a), Occupations Code, is amended to read as follows:

(a) A physician or an applicant for a license to practice medicine commits a prohibited practice if that person:

(1) submits to the board a false or misleading statement, document, or certificate in an application for a license;

- (2) presents to the board a license, certificate, or diploma that was illegally or fraudulently obtained;
- (3) commits fraud or deception in taking or passing an examination;
- (4) uses alcohol or drugs in an intemperate manner that, in the board's opinion, could endanger a patient's life;
- (5) commits unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public;
- (6) uses an advertising statement that is false, misleading, or deceptive;
- (7) advertises professional superiority or the performance of professional service in a superior manner if that advertising is not readily subject to verification;
- (8) purchases, sells, barter, or uses, or offers to purchase, sell, barter, or use, a medical degree, license, certificate, or diploma, or a transcript of a license, certificate, or diploma in or incident to an application to the board for a license to practice medicine;
- (9) alters, with fraudulent intent, a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma;
- (10) uses a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma that has been:
 - (A) fraudulently purchased or issued;
 - (B) counterfeited; or
 - (C) materially altered;
- (11) impersonates or acts as proxy for another person in an examination required by this subtitle for a medical license;
- (12) engages in conduct that subverts or attempts to subvert an examination process required by this subtitle for a medical license;
- (13) impersonates a physician or permits another to use the person's license or certificate to practice medicine in this state;
- (14) directly or indirectly employs a person whose license to practice medicine has been suspended, canceled, or revoked;
- (15) associates in the practice of medicine with a person:
 - (A) whose license to practice medicine has been suspended, canceled, or revoked; or
 - (B) who has been convicted of the unlawful practice of medicine in this state or elsewhere;
- (16) performs or procures a criminal abortion, aids or abets in the procuring of a criminal abortion, attempts to perform or procure a criminal abortion, or attempts to aid or abet the performance or procurement of a criminal abortion; ~~or~~
- (17) directly or indirectly aids or abets the practice of medicine by a person, partnership, association, or corporation that is not licensed to practice medicine by the board; or
- (18) performs an abortion on a woman who is pregnant with a viable unborn child during the third trimester of the pregnancy when the abortion is not necessary to prevent the death of the woman.

(Speaker in the chair)

Amendment No. 2 - Point of Order

Representative Thompson raised a point of order against further consideration of Amendment No. 2 under Rule 11, Section 2 of the House Rules on the grounds that it is not germane to the bill.

The speaker overruled the point of order.

CSSB 419 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSSB 419** under Rule 4, Section 32(c)(2) of the House Rules.

The speaker overruled the point of order.

Amendment No. 3

Representative Hartnett offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Hartnett to **CSSB 419** in proposed Section 164.052(a)(18), Occupations Code, between "woman" and the period, by inserting "or when the viable unborn child does not have a severe, irreversible brain impairment".

Amendment No. 3 was adopted. (Anderson, Crabb, Harper-Brown, Hughes, P. King, Laubenberg, Nixon, Paxton, Phillips, and Talton recorded voting no.)

Amendment No. 4

Representative Rose offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Hartnett by striking all of the language and substituting the following:

In **CSSB 419**, in proposed Section 164.052 (a)(18), Occupations Code, strike "when the abortion is not necessary to prevent the death of the woman or when the viable unborn child does not have a severe, irreversible brain impairment" and inserting "when:

(A) the abortion is not necessary to prevent the death of the woman;

(B) the abortion is not necessary to prevent a substantial risk of serious impairment to the physical health of the woman; or

(C) the fetus does not have a severe and irreversible abnormality, identified by reliable diagnostic procedures".

Representative Hartnett moved to table Amendment No. 4.

A record vote was requested.

The motion to table prevailed by (Record 672): 84 Yeas, 51 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Hopson; Howard; Hughes; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; McCall; Merritt; Miller; Morrison; Mowery; Nixon; Olivo; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vo; West; Wong; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Eiland; Escobar; Farabee; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamric; Herrero; Hochberg; Homer; Jones, J.; King, T.; Leibowitz; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, P.; Naishtat; Peña; Puente; Raymond; Ritter; Rodriguez; Rose; Strama; Straus; Thompson; Turner; Uresti; Veasey; Villarreal; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Luna; Pitts.

Absent — Dunnam; Goodman; Hunter; Jones, D.; McReynolds; Noriega, M.; Oliveira.

STATEMENTS OF VOTE

When Record No. 672 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hunter

When Record No. 672 was taken, my vote failed to register. I would have voted no.

M. Noriega

Amendment No. 5

Representative Raymond offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Hartnett to **CSSB 419**, in proposed Section 164.052 (a)(18), Occupations Code, between "impairment" and the period, by inserting "or when the woman is at risk of severe, irreversible brain damage or paralysis".

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Gallego offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Hartnett to **CSSB 419**, in proposed 164.052(a)(18), Occupations Code, by striking "permitting" and substituting "authorizing the minor to consent to".

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Raymond offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Hartnett to **CSSB 419**, in proposed Section 164.052 (a)(18), Occupations Code, between "impairment" and the period, by inserting "or when the woman is diagnosed as facing imminent severe, irreversible brain damage or paralysis".

Amendment No. 7 was withdrawn.

Amendment No. 8

Representative Raymond offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Hartnett to **CSSB 419**, in proposed Section 164.052(a)(18), Occupations Code, between "impairment" and the period, by inserting "or when the woman is diagnosed with a significant likelihood of suffering imminent severe, irreversible brain damage or paralysis".

A record vote was requested.

Amendment No. 8 was adopted by (Record 673): 116 Yeas, 13 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chisum; Coleman; Cook, B.; Cook, R.; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Guillen; Haggerty; Hamilton; Hamric; Harper-Brown; Hartnett; Herrero; Hochberg; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Laney; Laubenberg; Leibowitz; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Morrison; Mowery; Naishtat; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Bonnen; Corte; Crabb; Elkins; Hegar; Hill; Hughes; Keel; Kuempel; Nixon; Phillips; Reyna; Smithee.

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

Absent, Excused — Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Luna; Pitts.

Absent — Bailey; Baxter; Castro; Chavez; Grusendorf; Hardcastle; Hilderbran; Kolkhorst; Madden; Miller; Noriega, M.; Seaman.

STATEMENTS OF VOTE

When Record No. 673 was taken, I was in the house but away from my desk. I would have voted yes.

Bailey

When Record No. 673 was taken, I was in the house but away from my desk. I would have voted yes.

Baxter

When Record No. 673 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 673 was taken, I was in the house but away from my desk. I would have voted yes.

Hardcastle

When Record No. 673 was taken, my vote failed to register. I would have voted no.

Hilderbran

When Record No. 673 was taken, my vote failed to register. I would have voted no.

Miller

When Record No. 673 was taken, my vote failed to register. I would have voted yes.

M. Noriega

I was shown voting yes on Record No. 673. I intended to vote no.

Talton

(Luna now present)

Amendment No. 9

Representative Branch offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Hartnett to **CSSB 419**, as amended by Amendment No. 3 by Hartnett, in proposed Section 164.052(a)(18), Occupations Code, between "irreversible brain" and "impairment", by inserting "or vital organ".

(Dutton in the chair)

CSSB 419 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **CSSB 419** under Rule 4, Section 32(c)(2) of the House Rules.

The chair overruled the point of order.

Representative Hartnett moved to table Amendment No. 9.

A record vote was requested.

The motion to table prevailed by (Record 674): 83 Yeas, 55 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Eiland; Eissler; Elkins; Escobar; Flynn; Frost; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; McCall; McReynolds; Miller; Morrison; Mowery; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Branch; Burnam; Casteel; Castro; Chavez; Cook, B.; Davis, Y.; Dukes; Edwards; Farabee; Flores; Gallego; Geren; Giddings; Gonzales; Gonzalez Tourelles; Goodman; Guillen; Hamric; Hardcastle; Herrero; Hochberg; Jones, D.; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Pickett; Puente; Raymond; Rodriguez; Rose; Solomons; Strama; Straus; Turner; Uresti; Veasey; Villarreal; Vo; Wong; Woolley.

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

Absent, Excused — Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Coleman; Dunnam; Ritter; Thompson.

STATEMENTS OF VOTE

I was shown voting no on Record No. 674. I intended to vote yes.

B. Cook

I was shown voting no on Record No. 674. I intended to vote yes.

Goodman

When Record No. 674 was taken, my vote failed to register. I would have voted no.

Ritter

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

CSSB 419 - (consideration continued)**CSSB 419 - POINT OF ORDER**

Representative Rodriguez raised a point of order against further consideration of **CSSB 419** under Section 323.006(a) of the Government Code.

The chair overruled the point of order.

Amendment No. 10

Representative Rose offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Hartnett to **CSSB 419**, in proposed Section 164.052(a)(18), Occupations Code, between "impairment" and the period, by inserting "or when the woman is diagnosed with a significant likelihood of suffering imminent severe, irreversible brain or vital organ damage or paralysis".

Representative Hartnett moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 675): 84 Yeas, 56 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Campbell; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Eissler; Elkins; Escobar; Flynn; Gallego; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Martinez; McReynolds; Miller; Morrison; Mowery; Nixon; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Bailey; Branch; Burnam; Casteel; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Eiland; Farabee; Flores; Frost; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamric; Hardcastle; Herrero; Hochberg; Homer; Hopson; Jones, J.; King, T.; Laney; Leibowitz; Luna; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Puente; Raymond; Ritter; Rodriguez; Rose; Strama; Straus; Thompson; Turner; Uresti; Veasey; Villarreal; Vo; Wong; Woolley.

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

Absent, Excused — Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Edwards; Oliveira.

LEAVE OF ABSENCE GRANTED

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

Dunnam on motion of Gallego.

REMARKS BY REPRESENTATIVE URESTI

Thank you, Mr. Speaker, members. If I could have your attention please. Members, this morning I read a resolution honoring Sergeant Jose Lopez. He was supposed to join us this morning on the dais. He's a Congressional Medal of Honor recipient. He was represented this morning by his daughter and his son-in-law. This afternoon, at about 2:45, he passed away at the age of 94. I'd just like to read to you, if I may, the citation honoring him for his actions:

"On his own initiative, he carried his heavy machine gun from Company K's right flank to its left, in order to protect that flank which was in danger of being overrun by advancing enemy infantry supported by tanks. Occupying a shallow hole offering no protection above his waist, he cut down a group of 10 Germans. Ignoring enemy fire from an advancing tank, he held his position and cut down 25 more enemy infantry attempting to turn his flank. Glancing to his right, he saw a large number of infantry swarming in from the front. Although dazed and shaken from enemy artillery fire which had crashed into the ground only a few yards away, he realized that his position soon would be outflanked. Again, alone, he carried his machine gun to a position to the right rest of the sector; enemy tanks and infantry were forcing a withdrawal. Blown over backward by the concussion of enemy fire, he immediately reset his gun and continued his fire. Singlehanded he held off the German horde until he was satisfied his company had effected its retirement. Again he loaded his gun on his back and in a hail of small-arms fire he ran to a point where a few of his comrades were attempting to set up another defense against the onrushing enemy. He fired from this position until his ammunition was exhausted. Still carrying his gun, he fell back with his small group to Krinkelt. Sergeant Lopez's gallantry and intrepidity, on seemingly suicidal missions in which he killed at least 100 of the enemy, were almost solely responsible for allowing Company K to avoid being enveloped, to withdraw successfully and to give other forces coming up in support time to build a line which repelled the enemy drive."

This morning, as I said, he was represented by his daughter, Maggie. He is survived by four other children: John, Marie, Virginia, and Beatrice; 19 grandchildren and another 10 great-grandchildren. Members, there are approximately 124 living recipients as of April 4, 2005—Congressional Medal of Honor Recipients—45 from World War II. Today we lost an American hero. Mr. Lopez epitomized what every soldier, marine, sailor, or airman strive to be and stand for. When I talked to his daughter this morning, Maggie, she said that he couldn't be here. She asked him, "Daddy, what do you want me to tell everyone

in Austin?" His response was, "Thank you, sorry I can't be there, and God bless America." I'd like to take a moment if I could to honor Sergeant Lopez. Thank you members, thank you Mr. Speaker.

REMARKS ORDERED PRINTED

Representative Hill moved to print remarks by Representative Uresti.

The motion prevailed.

CSSB 419 - (consideration continued)

(Speaker in the chair)

A record vote was requested.

Amendment No. 2, as amended, was adopted by (Record 676): 118 Yeas, 16 Nays, 3 Present, not voting.

Yeas — Allen, A.; Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gallego; Geren; Giddings; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Madden; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Uresti; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Alonzo; Anchia; Burnam; Davis, Y.; Dukes; Flores; Gonzales; McClendon; Moreno, P.; Naishtat; Noriega, M.; Rodriguez; Thompson; Turner; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C); Jones, J.; Luna.

Absent, Excused — Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Bailey; Castro; Chavez; Coleman; Hope; Vo.

STATEMENTS OF VOTE

When Record No. 676 was taken, I was in the house but away from my desk. I would have voted yes.

Castro

When Record No. 676 was taken, my vote failed to register. I would have voted yes.

Hope

Amendment No. 11

Representative Hartnett offered the following amendment to **CSSB 419**:

Amend **CSSB 419** by adding the following appropriately numbered section to Article 1 of the bill and renumbering the sections of that article accordingly:

SECTION _____. Section 164.052(a), Occupations Code, is amended to read as follows:

(a) A physician or an applicant for a license to practice medicine commits a prohibited practice if that person:

- (1) submits to the board a false or misleading statement, document, or certificate in an application for a license;
- (2) presents to the board a license, certificate, or diploma that was illegally or fraudulently obtained;
- (3) commits fraud or deception in taking or passing an examination;
- (4) uses alcohol or drugs in an intemperate manner that, in the board's opinion, could endanger a patient's life;
- (5) commits unprofessional or dishonorable conduct that is likely to deceive or defraud the public, as provided by Section 164.053, or injure the public;
- (6) uses an advertising statement that is false, misleading, or deceptive;
- (7) advertises professional superiority or the performance of professional service in a superior manner if that advertising is not readily subject to verification;
- (8) purchases, sells, barter, or uses, or offers to purchase, sell, barter, or use, a medical degree, license, certificate, or diploma, or a transcript of a license, certificate, or diploma in or incident to an application to the board for a license to practice medicine;
- (9) alters, with fraudulent intent, a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma;
- (10) uses a medical license, certificate, or diploma, or a transcript of a medical license, certificate, or diploma that has been:
 - (A) fraudulently purchased or issued;
 - (B) counterfeited; or
 - (C) materially altered;
- (11) impersonates or acts as a proxy for another person in an examination required by this subtitle for a medical license;
- (12) engages in conduct that subverts or attempts to subvert an examination process required by this subtitle for a medical license;
- (13) impersonates a physician or permits another to use the person's license or certificate to practice medicine in this state;
- (14) directly or indirectly employs a person whose license to practice medicine has been suspended, canceled, or revoked;
- (15) associates in the practice of medicine with a person:
 - (A) whose license to practice medicine has been suspended, canceled, or revoked; or
 - (B) who has been convicted of the unlawful practice of medicine in this state or elsewhere;

(16) performs or procures a criminal abortion, aids or abets in the procuring of a criminal abortion, attempts to perform or procure a criminal abortion, or attempts to aid or abet the performance or procurement of a criminal abortion; ~~or~~

(17) directly or indirectly aids or abets the practice of medicine by a person, partnership, association, or corporation that is not licensed to practice medicine by the board; or

(18) performs an abortion on an unemancipated minor without the written consent of the child's parent, managing conservator, or legal guardian or without a court order permitting the abortion.

Amendment No. 12

Representative P. King offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Hartnett for **SB 419** as follows:

(1) On page 3, line 5, between "order" and "permitting" insert ", as provided by Section s 33.003 or 33.004, Family Code."

(2) On page 3, line 6, after the word "abortion" and before the period insert ", unless the physician concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the pregnant minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function and that there is insufficient time to obtain the consent of the child's parent, managing conservator, or legal guardian".

Amendment No. 12 - Point of Order

Representative Villarreal raised a point of order against further consideration of Amendment No. 12 under Rule 11, Section 2 of the House Rules that the amendment is not germane and Article III, Section 35a of the Texas Constitution on the grounds that the bill would have more than one subject.

The speaker overruled the point of order.

Amendment No. 12 was withdrawn.

LEAVE OF ABSENCE GRANTED

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

Bailey on motion of Phillips.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSSB 419 - (consideration continued)

Amendment No. 13

Representative P. King offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Hartnett for **SB 419** as follows:

(1) On page 3, line 9, between "order" and "permitting" insert ", as provided by Sections 33.003 or 33.004, Family Code,"

(2) On page 3, line 10, after the word "abortion" and before the period insert ", unless the physician concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the pregnant minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function and that there is insufficient time to obtain the consent of the child's parent, managing conservator, or legal guardian".

Amendment No. 13 was adopted.

Amendment No. 14

Representative Gallego offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Hartnett to **CSSB 419**, in proposed 164.052(a)(18), Occupations Code, by striking "permitting" and substituting "authorizing the minor to consent to".

Amendment No. 14 was adopted.

Amendment No. 15

Representative Dutton offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Hartnett for **SB 419** as follows:

(1) On page 3, line 5, between "order" and "permitting" insert ", as provided by Sections 33.003 or 33.004, Family Code,"

(2) On page 3, line 6, after the word "abortion" and before the period insert ", unless the physician concludes that on the basis of the physician's good faith clinical judgment, a condition exists that complicates the medical condition of the pregnant minor and necessitates the immediate abortion of her pregnancy to avert her death or to avoid a serious risk of substantial impairment of a major bodily function and that there is insufficient time to obtain the consent of the child's parent, managing conservator, grandparent, stepparent, or legal guardian".

Representative Hartnett moved to table Amendment No. 15.

A record vote was requested.

The motion to table prevailed by (Record 677): 94 Yeas, 44 Nays, 1 Present, not voting.

Yeas — Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gallego; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Kolkhorst; Krusee;

Kuempel; Laney; Laubenberg; Madden; Martinez; McCall; McReynolds; Merritt; Miller; Morrison; Nixon; Oliveira; Orr; Otto; Paxton; Phillips; Pickett; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Cook, B.; Davis, Y.; Deshotel; Dukes; Dutton; Edwards; Eiland; Flores; Giddings; Gonzales; Gonzalez Toureilles; Herrero; Hochberg; Jones, J.; King, T.; Leibowitz; Luna; Martinez Fischer; McClendon; Menendez; Moreno, P.; Mowery; Naishtat; Noriega, M.; Olivo; Peña; Puente; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Allen, R.; Chavez; Guillen.

STATEMENT OF VOTE

When Record No. 677 was taken, my vote failed to register. I would have voted no.

Guillen

Amendment No. 16

Representative Villarreal offered the following amendment to Amendment No. 11:

Amend Amendment No. 11 by Hartnett to **CSSB 419**, in proposed Section 164.052(a)(18), Occupations Code, between "minor" and "without" by inserting "other than an unemancipated minor who is already the parent of at least one child.".

Representative Hartnett moved to table Amendment No. 16.

A record vote was requested.

The motion to table prevailed by (Record 678): 106 Yeas, 32 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gallego; Geren; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; Martinez; Martinez Fischer; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña;

Phillips; Pickett; Quintanilla; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dutton; Edwards; Eiland; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Herrero; Jones, J.; Leibowitz; Luna; Moreno, P.; Naishtat; Noriega, M.; Puente; Raymond; Rodriguez; Strama; Thompson; Turner; Uresti; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Flores; McClendon; Menendez.

A record vote was requested.

Amendment No. 11, as amended, was adopted by (Record 679): 117 Yeas, 19 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Eiland; Eissler; Elkins; Escobar; Farabee; Flynn; Frost; Gallego; Geren; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Nixon; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Van Arsdale; West; Wong; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Coleman; Davis, Y.; Dukes; Edwards; Giddings; Hochberg; McClendon; Moreno, P.; Naishtat; Noriega, M.; Rodriguez; Thompson; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Chavez; Dutton; Flores; Vo; Woolley.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 679. I intended to vote no.

Menendez

When Record No. 679 was taken, my vote failed to register. I would have voted yes.

Woolley

Amendment No. 17

Representative Vo offered the following amendment to **CSSB 419**:

Amend **CSSB 419** as follows:

(1) In SECTION 3.01 of the bill, in the recital for that section (house committee printing page 69, line 25), strike "205.001 (6)," and substitute "2005.001(2), (6)."

(2) In SECTION 3.01 of the bill, amending Section 205.001, Occupations Code (house committee printing page 69, between lines 26 and 27), insert the following:

(2) "Acupuncture" means:

(A) the nonsurgical [~~noninvasive~~] insertion of an acupuncture needle and the application of moxibustion to specific areas of the human body as a primary mode of therapy to treat and mitigate a human condition, including evaluation and assessment of the condition; and

(B) the administration of thermal or electrical treatments or the recommendation of dietary guidelines, energy flow exercise, or dietary or herbal supplements in conjunction with the treatment described by Paragraph (A).

Representative Solomons moved to table Amendment No. 17.

A record vote was requested.

The motion to table prevailed by (Record 680): 95 Yeas, 43 Nays, 1 Present, not voting.

Yeas — Allen, R.; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Eiland; Eissler; Farabee; Flynn; Geren; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Madden; McCall; McReynolds; Miller; Morrison; Mowery; Nixon; Oliveira; Orr; Otto; Paxton; Peña; Phillips; Pickett; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Anderson; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dutton; Edwards; Elkins; Escobar; Flores; Frost; Gallego; Giddings; Gonzales; Herrero; Hochberg; Jones, J.; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Olivo; Puente; Quintanilla; Raymond; Rodriguez; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Dawson; Guillen; Laubenberg.

CSSB 419, as amended, was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: A. Allen, Giddings, and Thompson recorded voting no.)

(Phillips in the chair)

CSHR 704 - VOTE RECONSIDERED

Representative Hamric moved to reconsider the vote by which **CSHR 704** was adopted.

The motion to reconsider prevailed.

CSHR 704 (by Hamric)

CSHR 704, Designating the grandchildren of house members as honorary mascots.

Amendment No. 1

Representative Hamric offered the following amendment to **CSHR 704**:

Amend **CSHR 704** (House Committee Report) as follows:

(1) On page 2, insert the following between lines 2 and 3:

"Jackson Dismang, grandson of Representative Toby Goodman;"

(2) On page 2, strike line 16 and substitute the following:

"Stephen LaRoy Jones II, Omni LaBelle McGowen, and Ezra Anna Grace McGowen,"

(3) On page 2, insert the following between lines 17 and 18:

"William Behrendt Kuempel and Samuel Chamberlain Kuempel, grandchildren of Representative Edmund Kuempel;"

Amendment No. 1 was adopted.

CSHR 704, as amended, was adopted.

HB 364 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 364, A bill to be entitled An Act relating to an offense of possession of certain devices affecting operation of a traffic-control signal.

Representative Hegar moved to concur in the senate amendments to **HB 364**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 681): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Merritt.

Senate Committee Substitute

CSHB 364, A bill to be entitled An Act relating to the use, sale, purchase, or possession of a traffic-control signal preemption device; providing criminal penalties.

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

SECTION 1. Chapter 544, Transportation Code, is amended by adding Section 544.0055 to read as follows:

Sec. 544.0055. TRAFFIC-CONTROL SIGNAL PREEMPTION DEVICE; OFFENSE. (a) In this section, "traffic-control signal preemption device" means a device designed, intended, or used to interfere with or alter the operation of a traffic-control signal.

(b) Except as provided by Subsection (e), a person commits an offense if the person uses, sells, offers for sale, purchases, or possesses for use or sale a traffic-control signal preemption device.

(c) The possession of a traffic-control signal preemption device creates the presumption that the person possessed the device for use or sale.

(d) An offense under this section is a Class C misdemeanor.

(e) This section does not apply to:

(1) a person who provides fire-fighting, law enforcement, ambulance, medical, or other emergency services in the course of providing those services;

(2) a manufacturer, wholesaler, or retailer of traffic-control signal preemption devices in the course of manufacturing, selling, providing, or transporting a traffic-control signal preemption device to a person described by Subdivision (1); or

(3) a transit vehicle operated by an authority under Chapter 451 or 452 or a transit department under Chapter 453.

SECTION 2. 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, 2005.

(Krusee in the chair)

**HB 747 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 747, A bill to be entitled An Act relating to the designation of the El Camino East/West Corridor.

Representative McReynolds moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 747**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 747**: McReynolds, chair; Casteel; Krusee; Phillips; and T. King.

**HB 102 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 102, A bill to be entitled An Act relating to the renewal requirements for a respiratory care practitioner certificate.

Representative Van Arsdale moved to concur in the senate amendments to **HB 102**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 682): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego;

Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Bonnen; Edwards; Eiland; Hartnett.

Senate Committee Substitute

CSHB 102, A bill to be entitled An Act relating to the renewal requirements for a respiratory care practitioner certificate.

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

SECTION 1. The heading for Section 604.151, Occupations Code, is amended to read as follows:

Sec. 604.151. [~~ANNUAL OR BIENNIAL~~] CERTIFICATE RENEWAL.

SECTION 2. Section 604.151(a), Occupations Code, is amended to read as follows:

(a) A [~~Except as otherwise provided by this subchapter, a~~] certificate to practice respiratory care must be renewed [~~annually or~~] biennially [~~as determined by the board~~].

SECTION 3. Section 604.154(a), Occupations Code, is amended to read as follows:

(a) The board shall establish for the renewal of a certificate uniform continuing education requirements of not less than 12 [~~six~~] or more than 24 [~~12~~] continuing education hours for each renewal period.

SECTION 4. 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 on the 91st day after the last day of the legislative session.

HB 937 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 937, A bill to be entitled An Act relating to authorizing a nonresident seller to conduct wine samplings.

Representative Homer moved to concur in the senate amendments to **HB 937**.

The motion to concur in senate amendments prevailed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

Senate Committee Substitute

CSHB 937, A bill entitled to be An Act relating to authorizing the sampling or tasting of certain alcoholic beverages.

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

SECTION 1. Chapter 24, Alcoholic Beverage Code, is amended by adding Section 24.12 to read as follows:

Sec. 24.12. WINE SAMPLING. (a) The holder of a wine only package store permit may conduct free product samplings of wine on the permit holder's premises during regular business hours as provided by this section.

(b) An agent or employee of the holder of a wine only package store permit may open, touch, or pour wine, make a presentation, or answer questions at a wine sampling.

(c) For the purposes of this code and any other law or ordinance:

(1) a wine only package store permit does not authorize the sale of alcoholic beverages for on-premise consumption; and

(2) none of the permit holder's income may be considered to be income from the sale of alcoholic beverages for on-premise consumption.

(d) Any wine used in a wine sampling under this section must be purchased from or provided by the retailer on whose premises the wine sampling is held.

(e) When a wine sampling under this section is held on the premises of a wine only package store permit located in an area which is wet for the sale of wine but which is not wet for the sale of higher alcohol content wines that may be sold under an unrestricted wine only package store permit, the only wines that may be sampled are wines which may be legally sold by the wine only package store permittee as restricted under Section 251.81.

SECTION 2. Section 26.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 26.01. AUTHORIZED ACTIVITIES. (a) The holder of a wine and beer retailer's off-premise permit may sell for off-premises consumption only, but not for resale, wine, beer, and malt liquors containing alcohol in excess of one-half of one percent by volume but not more than 17 percent by volume.

(b) The holder of a wine and beer retailer's off-premise permit may conduct free product samplings of wine on the permit holder's premises during regular business hours as provided by Section 26.08.

SECTION 3. Chapter 26, Alcoholic Beverage Code, is amended by adding Section 26.08 to read as follows:

Sec. 26.08. WINE SAMPLING. (a) An employee of the holder of a wine and beer retailer's off-premise permit may open, touch, or pour wine, make a presentation, or answer questions at a wine sampling.

(b) For purposes of this code and any other law or ordinance:

(1) a wine and beer retailer's off-premise permit does not authorize the sale of alcoholic beverages for on-premises consumption; and

(2) none of the permit holder's income may be considered to be income from the sale of alcoholic beverages for on-premises consumption.

(c) Any wine used in a wine sampling under this section must be purchased from or provided by the retailer on whose premises the wine sampling is held. This section does not authorize the holder of a wine and beer retailer's off-premise permit to withdraw or purchase wine from the holder of a wholesaler's permit or provide wine for a sampling on a retailer's premises that is not purchased from the retailer. The amount of wine purchased from the retailer may not exceed the amount of wine used in the sampling.

SECTION 4. Section 37.01, Alcoholic Beverage Code, is amended to read as follows:

Sec. 37.01. AUTHORIZED ACTIVITIES. (a) The holder of a nonresident seller's permit may:

(1) solicit and take orders for liquor from permittees authorized to import liquor into this state; and

(2) ship liquor into this state, or cause it to be shipped into this state, in consummation of sales made to permittees authorized to import liquor into the state.

(b) The holder of a nonresident seller's permit who owns a winery outside of the state may conduct wine samplings, including wine tastings, at a retailer's premises. An employee of the winery may open, touch, or pour wine, make a presentation, or answer questions at a wine sampling.

(c) Any wine used in a wine sampling under this section must be purchased from the retailer on whose premises the wine sampling is held. This section does not authorize the holder of a nonresident seller's permit or manufacturer's agent's permit to withdraw or purchase wine from the holder of a wholesaler's permit or provide wine for a sampling on a retailer's premises that is not purchased from the retailer. The amount of wine purchased from the retailer may not exceed the amount of wine used in the sampling.

SECTION 5. Section 52.01, Alcoholic Beverage Code, is amended by amending Subsection (l) and adding Subsection (m) to read as follows:

(l) Except as provided by Subsection (m) or elsewhere in this code, a [A] person other than the permittee or the permittee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this chapter.

(m) The holder of a nonresident seller's or manufacturer's agent's permit or that permit holder's agent or employee may participate in and conduct product tastings of alcoholic beverages at a retailer's premises and may open, touch, or pour alcoholic beverages, make a presentation, or answer questions at the tasting. Any alcoholic beverage tasted under this subsection must be purchased from the package store permit holder on whose premises the tasting is held. The permit holder may not require the purchase of more alcoholic beverages than are necessary for the tasting. This section does not authorize the holder of a nonresident seller's or manufacturer's agent's permit to withdraw or purchase an

alcoholic beverage from the holder of a wholesaler's permit or provide an alcoholic beverage for tasting on a retailer's premises that is not purchased from the retailer.

SECTION 6. This Act takes effect September 1, 2005.

**HB 1007 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 1007, A bill to be entitled An Act relating to certain low-interest home loan programs administered by the Texas State Affordable Housing Corporation.

Representative Ritter moved to concur in the senate amendments to **HB 1007**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 683): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Ritter; Veasey.

STATEMENTS OF VOTE

When Record No. 683 was taken, my vote failed to register. I would have voted yes.

Ritter

When Record No. 683 was taken, I was in the house but away from my desk. I would have voted yes.

Veasey

Senate Committee Substitute

CSHB 1007, A bill to be entitled An Act relating to certain low-interest home loan programs administered by the Texas State Affordable Housing Corporation.

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

SECTION 1. Section 2306.563, Government Code, as added by Chapter 1050, Acts of the 78th Legislature, Regular Session, 2003, is renumbered as Section 2306.5621, Government Code, and amended to read as follows:

Sec. 2306.5621 [~~Sec. 2306.563~~]. FIRE FIGHTER AND LAW ENFORCEMENT OR SECURITY [POLICE] OFFICER HOME LOAN PROGRAM. (a) In this section:

(1) "Fire fighter" means a member of a fire department who performs a function listed in [~~has the meaning assigned by~~] Section 419.021(3)(C), [~~143.003, Local~~] Government Code.

(2) "Home" means a dwelling in this state in which a fire fighter, corrections officer, county jailer, public security officer, or peace [~~police~~] officer intends to reside as the fire fighter's or the [~~police~~] officer's or jailer's principal residence.

(3) "Mortgage lender" has the meaning assigned by Section 2306.004.

(4) "Peace officer" [~~"Police officer"~~] has the meaning assigned by Section 1.07(a)(36), Penal [~~143.003, Local Government~~] Code.

(5) "Program" means the fire fighter, law enforcement officer, and security [~~police~~] officer home loan program.

(6) "Corrections officer" means an officer employed by the Texas Department of Criminal Justice.

(7) "County jailer" has the meaning assigned by Section 1701.001, Occupations Code.

(8) "Public security officer" has the meaning assigned by Section 1701.001, Occupations Code.

(b) The corporation shall establish a program to provide eligible fire fighters, corrections officers, county jailers, public security officers, and peace [~~police~~] officers with low-interest home mortgage loans.

(c) To be eligible for a loan under this section, at the time a person files an application for the loan, the person must:

(1) be a fire fighter, corrections officer, county jailer, public security officer, or peace [~~police~~] officer;

(2) reside in this state; and

(3) have an income of not more than 115 percent of area median family income, adjusted for family size, or the maximum amount permitted by Section 143(f), Internal Revenue Code of 1986, whichever is greater.

(d) The corporation may contract with other agencies of the state or with private entities to determine whether applicants qualify as fire fighters, corrections officers, county jailers, public security officers, or peace [police] officers under this section or otherwise to administer all or part of this section.

(e) The board of directors of the corporation may set and collect from each applicant any fees the board considers reasonable and necessary to cover the expenses of administering the program.

(f) The board of directors of the corporation shall adopt rules governing:

(1) the administration of the program;
(2) the making of loans under the program;
(3) the criteria for approving mortgage lenders;
(4) the use of insurance on the loans and the homes financed under the program, as considered appropriate by the board to provide additional security for the loans;

(5) the verification of occupancy of the home by the fire fighter, corrections officer, county jailer, public security officer, or peace [police] officer as the fire fighter's or the [police] officer's or jailer's principal residence; and

(6) the terms of any contract made with any mortgage lender for processing, originating, servicing, or administering the loans.

(g) The corporation shall ensure that a loan under this section is structured in a way that complies with any requirements associated with the source of the funds used for the loan.

(h) In addition to funds set aside for the program under Section 1372.0222, the corporation may solicit and accept funding for the program from the following sources:

(1) gifts and grants for the purposes of this section;
(2) available money in the housing trust fund established under Section 2306.201, to the extent available to the corporation;
(3) federal block grants that may be used for the purposes of this section, to the extent available to the corporation;
(4) other state or federal programs that provide money that may be used for the purposes of this section; and
(5) amounts received by the corporation in repayment of loans made under this section.

(h-1) To fund home mortgage loans for eligible fire fighters, corrections officers, county jailers, public security officers, and peace officers under this section, the corporation may use proceeds received from the sale of bonds, notes, or other obligations issued under the fire fighter and police officer home loan program as that program existed immediately before amendment of this section by the 79th Legislature, Regular Session, 2005, regardless of the eligibility standards for loans made under the fire fighter and police officer home loan program and regardless of when the corporation received the proceeds from those bonds, notes, or other obligations issued under that program.

(i) This section expires September 1, 2014.

SECTION 2. Section 1372.0222, Government Code, is amended to read as follows:

Sec. 1372.0222. DEDICATION OF PORTION OF STATE CEILING FOR FIRE FIGHTER AND LAW ENFORCEMENT OR SECURITY ~~[POLICE]~~ OFFICER HOME LOAN PROGRAM. Until August 1, out of that portion of the state ceiling that is available exclusively for reservations by issuers of qualified mortgage bonds under Section 1372.022, \$25 million shall be allotted each year and made available exclusively to the Texas State Affordable Housing Corporation for the purpose of issuing qualified mortgage bonds in connection with the fire fighter, law enforcement officer, and security ~~[police]~~ officer home loan program established under Section 2306.5621 ~~[2306.563]~~.

SECTION 3. Section 1372.025(b), Government Code, is amended to read as follows:

(b) Subsection (a) does not apply to qualified mortgage bonds or qualified residential rental project bonds made available exclusively to the Texas Department of Housing and Community Affairs under Section 1372.023 or the Texas State Affordable Housing Corporation under Sections 1372.0221 and 1372.0222.

SECTION 4. Section 1372.028(d), Government Code, is amended to read as follows:

(d) An issuer is not required to provide the statement required by Subsection (c)(3)(F) if the issuer:

- (1) is an issuer of a state-voted issue;
- (2) is the Texas Department of Housing and Community Affairs, ~~[or]~~ the Texas Agricultural Finance Authority, or the Texas State Affordable Housing Corporation; or
- (3) provides evidence that one or more binding contracts have been entered into, or other evidence acceptable to the board as described by program rule, to spend the unexpended proceeds by the later of:
 - (A) 12 months after the date the board receives the application; or
 - (B) December 31 of the program year for which the application is filed.

SECTION 5. Sections 2306.553(a) and (b), Government Code, are amended to read as follows:

(a) The public purpose of the corporation is to perform activities and services that the corporation's board of directors determines will promote the public health, safety, and welfare through the provision of adequate, safe, and sanitary housing primarily for individuals and families of low, very low, and extremely low income, for professional educators under the professional educators home loan program as provided by Section 2306.562, and for fire fighters, corrections officers, county jailers, public security officers, and peace ~~[police]~~ officers under the fire fighter, law enforcement officer, and security ~~[police]~~ officer home loan program as provided by Section 2306.5621 ~~[2306.563]~~. The activities and services shall include engaging in mortgage banking activities and lending transactions and acquiring, holding, selling, or leasing real or personal property.

(b) The corporation's primary public purpose is to facilitate the provision of housing by issuing qualified 501(c)(3) bonds and qualified residential rental project bonds and by making affordable loans to individuals and families of low, very low, and extremely low income, to professional educators under the professional educators home loan program, and to fire fighters, corrections officers, county jailers, public security officers, and peace [police] officers under the fire fighter, law enforcement officer, and security [police] officer home loan program. The corporation may make first lien, single family purchase money mortgage loans for single family homes only to individuals and families of low, very low, and extremely low income if the individual's or family's household income is not more than the greater of 60 percent of the median income for the state, as defined by the United States Department of Housing and Urban Development, or 60 percent of the area median family income, adjusted for family size, as defined by that department. The corporation may make loans for multifamily developments if:

(1) at least 40 percent of the units in a multifamily development are affordable to individuals and families with incomes at or below 60 percent of the median family income, adjusted for family size; or

(2) at least 20 percent of the units in a multifamily development are affordable to individuals and families with incomes at or below 50 percent of the median family income, adjusted for family size.

SECTION 6. 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, 2005.

HB 595 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 595, A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of Randall County.

Representative Smithee moved to concur in the senate amendments to **HB 595**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 684): 139 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer;

Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Senate Committee Substitute

CSHB 595, A bill to be entitled An Act relating to the jurisdiction of the County Court at Law of Randall County.

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

SECTION 1. Section 25.1932(a), Government Code, is amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Randall County has concurrent jurisdiction with the district court in:

(1) family law cases and proceedings;

(2) cases and proceedings involving justiciable controversies and differences between spouses, or between parents, or between parent and child, or between any of these and third persons;

(3) civil cases in which the amount in controversy is within the limits prescribed by Section 25.0003(c)(1); and

(4) felony cases to conduct arraignments, conduct pretrial hearings, and accept ~~[guilty]~~ pleas in uncontested matters.

SECTION 2. (a) Section 25.1932(a)(4), Government Code, as amended by this Act, applies to a criminal case that is pending or commences on or after the effective date of this Act.

(b) For purposes of this section, a criminal case is pending if a final judgment has not been entered in the case and commences when an indictment or information is presented to the court.

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, 2005.

HB 1817 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1817, A bill to be entitled An Act relating to the regulation of the practice of engineering.

Representative Driver moved to concur in the senate amendments to **HB 1817**.

The motion to concur in senate amendments prevailed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

Senate Committee Substitute

CSHB 1817, A bill to be entitled An Act relating to the regulation of the practice of engineering.

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

SECTION 1. Section 1001.003(c), Occupations Code, is amended to read as follows:

(c) The practice of engineering includes:

(1) consultation, investigation, evaluation, analysis, planning, engineering for program management, providing an expert engineering opinion or testimony, engineering for testing or evaluating materials for construction or other engineering use, and mapping;

(2) design, conceptual design, or conceptual design coordination of engineering works or systems;

(3) development or optimization of plans and specifications for engineering works or systems;

(4) planning the use or alteration of land or water or the design or analysis of works or systems for the use or alteration of land or water;

(5) responsible charge of engineering teaching or the teaching of engineering;

(6) performing an engineering survey or study;

(7) engineering for construction, alteration, or repair of real property;

(8) engineering for preparation of an operating or maintenance manual;

(9) engineering for review of the construction or installation of engineered works to monitor compliance with drawings or specifications;

(10) a service, design, analysis, or other work performed for a public or private entity in connection with a utility, structure, building, machine, equipment, process, system, work, project, or industrial or consumer product or equipment of a mechanical, electrical, electronic, chemical, hydraulic, pneumatic, geotechnical, or thermal nature;

(11) providing an engineering opinion or analysis related to a certificate of merit under Chapter 150, Civil Practice and Remedies Code; or

(12) [~~(11)~~] any other professional service necessary for the planning, progress, or completion of an engineering service.

SECTION 2. Section 1001.204(a), Occupations Code, is amended to read as follows:

(a) The board shall establish the following fees in amounts reasonable and necessary to cover the costs of administering this chapter:

(1) license fee;

(2) annual and late renewal fees [~~fee~~];

(3) reciprocal license fee;

- (4) duplicate license fee;
- (5) engineer-in-training certificate fee;
- (6) roster of engineers fee;
- (7) examination fee;
- (8) registration fee for engineering firm; and
- (9) inactive status fee.

SECTION 3. Section 1001.252(l), Occupations Code, is amended to read as follows:

(l) For any ~~frivolous~~ complaint determined to be frivolous or without merit, the complaint and other enforcement case information related to that complaint are confidential. The information may be used only by the board or by its employees or agents directly involved in the enforcement process for that complaint. The information is not subject to discovery, subpoena, or other disclosure, ~~the license holder's name and other personal information on the complaint is not public information and must be redacted~~.

SECTION 4. Sections 1001.353(a), (b), and (c), Occupations Code, are amended to read as follows:

(a) A person who is otherwise eligible to renew a license may renew an unexpired license by paying the required annual renewal fee to the board before the expiration date of the license. A person whose license has expired may not engage in activities that require a license until the license has been renewed.

(b) A person whose license has been expired for 90 days or less may renew the license by paying to the board the required annual [a] renewal fee, a late ~~that is equal to 1 1/2 times the normally required~~ renewal fee, and any applicable increase in fees as required by Section 1001.206.

(c) A person whose license has been expired for more than 90 days but less than two years may renew the license by paying to the board the required annual [a] renewal fee, a late ~~that is equal to two times the normally required~~ renewal fee, and any applicable increase in fees as required by Section 1001.206 for each delinquent year or part of a year.

SECTION 5. Section 1001.401(b), Occupations Code, is amended to read as follows:

(b) A plan, specification, plat, or report issued by a license holder for a project to be constructed or used in this state must include the license holder's seal placed on the document. A license holder is not required to use a seal required by this section if the project is to be constructed or used in another state or country.

SECTION 6. Section 1001.601, Occupations Code, is amended to read as follows:

Sec. 1001.601. BOARD ADVISORY OPINIONS. (a) On its own initiative or at the request of any interested person, the board shall prepare a written advisory opinion about:

- (1) an interpretation of this chapter; or
- (2) the application of this chapter to a person in regard to a specified existing or hypothetical factual situation.

(b) The board shall respond to requests for opinions within 180 days unless the board ~~[or]~~ affirmatively states the board's ~~[state its]~~ reason:

(1) for not responding to the request within 180 days; or

(2) for not responding to the request at all.

SECTION 7. The change in law made by this Act to Section 1001.601, Occupations Code, applies only to a request for an opinion under that section that is made on or after the effective date of this Act. A request for an opinion that is made before the effective date of this Act is governed by the law that existed at the time the request was made, and the former law is continued in effect for that purpose.

SECTION 8. The changes in law made by this Act relating to the renewal of a license under Chapter 1001, Occupations Code, apply only to a license that expires on or after the effective date of this Act. A license that expires before the effective date of this Act is governed by the law in effect on the date the license expired, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2005.

HB 25 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 25, A bill to be entitled An Act relating to admission to and transition assistance within the public school system for school-age dependents of military personnel and other students.

Representative Delisi moved to concur in the senate amendments to **HB 25**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 685): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Puente.

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

Amend **HB 25** as follows:

(1) In SECTION 3 of the bill, in added Section 25.002(a-1), Education Code (engrossed version, page 4, line 15 and lines 18-19), strike "Subsection (a)" each place it appears and substitute "Subsections (a)(1) and (2)".

(2) In SECTION 3 of the bill, in added Section 25.002(a-1), Education Code (engrossed version, page 4, line 16), between "10th" and "day", insert "working".

(3) In SECTION 3 of the bill, in added Section 25.002(a-1), Education Code (engrossed version, page 4, line 16), between "for" and "information", insert "the".

(4) In SECTION 3 of the bill, in added Section 25.002(a-1), Education Code (engrossed version, page 4, line 17), strike "school".

HB 225 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED

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

HB 225, A bill to be entitled An Act relating to the expiration of a renewed license to carry a concealed handgun.

Representative Driver moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 225**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 225**: Driver, chair; Hupp; Frost; Hegar; and Isett.

HB 749 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative D. Jones called up with senate amendments for consideration at this time,

HB 749, A bill to be entitled An Act relating to size and weight limitations for certain vehicles transporting agricultural products and equipment.

Representative D. Jones moved to concur in the senate amendments to **HB 749**.

The motion to concur in senate amendments prevailed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

Senate Committee Substitute

CSHB 749, A bill to be entitled An Act relating to size and weight limitations for certain vehicles transporting agricultural products and equipment.

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

SECTION 1. Section 504.505(a), Transportation Code, is amended to read as follows:

(a) The department shall issue specialty license plates for a single motor vehicle that is:

(1) used only to transport chile pepper modules, seed cotton [~~modules~~], cotton, cotton burrs, or equipment used in transporting or processing chile peppers or cotton; and

(2) not more than 10 feet in width.

SECTION 2. Section 522.003, Transportation Code, is amended by adding Subdivision (24-a) to read as follows:

(24-a) "Seed cotton module" means compacted seed cotton in any form.

SECTION 3. Subchapter I, Chapter 622, Transportation Code, is amended to read as follows:

SUBCHAPTER I. VEHICLES TRANSPORTING CERTAIN AGRICULTURAL PRODUCTS [COTTON] OR [COTTON PROCESSING] EQUIPMENT

Sec. 622.101. VEHICLE TRANSPORTING CERTAIN AGRICULTURAL PRODUCTS [COTTON] OR PROCESSING EQUIPMENT. (a) A single motor vehicle used exclusively to transport chile pepper modules, seed cotton [~~modules~~], cotton, cotton burrs, or equipment used to transport or process chile pepper modules or cotton, including a motor vehicle or burr spreader, may not be operated on a highway or road if the vehicle is:

(1) wider than 10 feet and the highway has not been designated by the commission under Section 621.202 [~~if the vehicle is registered under Section 502.277~~];

(2) longer than 48 feet; or

(3) higher than 14 feet 6 inches.

(b) A motor vehicle that transports agricultural products under this section must be registered under Section 504.505.

SECTION 4. Section 622.953, Transportation Code, is amended to read as follows:

Sec. 622.953. VEHICLE TRANSPORTING SEED COTTON OR CHILE PEPPER MODULES. (a) The weight limitations of Section 621.101 do not apply to a single motor vehicle used exclusively to transport chile pepper modules, seed cotton, or equipment, including a motor vehicle, used to transport or process chile pepper modules or seed cotton [~~modules~~].

(b) The overall gross weight of a single motor vehicle used to transport seed cotton or equipment used to transport or process seed cotton [to which this section applies] may not be heavier than 59,400 pounds.

(c) The overall gross weight of a single motor vehicle used to transport chile pepper modules or equipment used to transport or process chile pepper modules may not be heavier than 54,000 pounds.

(d) The owner of a single motor vehicle to which this section applies that has a gross weight above the gross weight authorized by this section that is applicable to the vehicle [~~of more than 59,400 pounds~~] is liable to the state, county, or municipality for any damage to a highway, street, road, or bridge caused by the weight of the load.

(e) [~~(d)~~] A vehicle to which this section applies may not be operated on the national system of interstate and defense highways if the vehicle exceeds the maximum weight authorized by 23 U.S.C. Section 127, as amended.

SECTION 5. Section 644.052(c), Transportation Code, is amended to read as follows:

(c) A rule adopted under this chapter may not apply to a vehicle that is operated intrastate and that is:

(1) a machine generally consisting of a mast, engine, draw works, and chassis permanently constructed or assembled to be used and used in oil or water well servicing or drilling;

(2) a mobile crane that is an unladen, self-propelled vehicle constructed as a machine to raise, shift, or lower weight; or

(3) a vehicle transporting [~~a~~] seed cotton [~~module~~].

SECTION 6. The changes in law made by this Act apply only to an offense committed on or after September 1, 2005. An offense committed before September 1, 2005, is covered by the law as it existed immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 7. This Act takes effect September 1, 2005.

HB 1130 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

Representative B. Cook called up with senate amendments for consideration at this time,

HB 1130, A bill to be entitled An Act relating to the adoption of a privacy policy by a person who requires the disclosure of an individual's social security number; providing a civil penalty.

Representative B. Cook moved to concur in the senate amendments to **HB 1130**.

The motion to concur in senate amendments prevailed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

Senate Committee Substitute

CSHB 1130, A bill to be entitled An Act relating to the adoption of a privacy policy by a person who requires the disclosure of an individual's social security number; providing a civil penalty.

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

SECTION 1. Subchapter D, Chapter 35, Business & Commerce Code, is amended by adding Section 35.581 to read as follows:

Sec. 35.581. PRIVACY POLICY NECESSARY TO REQUIRE DISCLOSURE OF SOCIAL SECURITY NUMBER. (a) A person may not require an individual to disclose the individual's social security number to obtain goods or services from or enter into a business transaction with the person, unless the person;

(1) adopts a privacy policy;
(2) makes the privacy policy available to the individual; and
(3) maintains under the privacy policy the confidentiality and security of a social security number disclosed to the person.

(b) A privacy policy adopted under this section must include how personal information is collected, how and when the personal information is used, how the personal information is protected, who has access to the personal information, and how the personal information is disposed.

(c) This section does not apply to:

(1) a person who is required to maintain and disseminate a privacy policy under the Gramm-Leach-Bliley Act (15 U.S.C. Sections 6801 to 6809), the Family Educational Rights and Privacy Act (20 U.S.C. Section 1232g), or the Health Insurance Profitability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.);

(2) a covered entity under rules adopted by the commissioner of insurance relating to insurance consumer health information privacy or insurance consumer financial information privacy;

(3) a governmental body, as defined by Section 552.003, Government Code, other than a municipally owned utility; or

(4) a person with respect to a loan transaction, if the person is not engaged in the business of making loans.

(d) A person who violates Subsection (a) is liable to the state for a civil penalty in the amount not to exceed \$500 for each calendar month during which a violation occurs. The civil penalty may not be imposed for more than one violation that occurs in a month. The attorney general or the prosecuting attorney in the county in which the violation occurs may bring suit to recover the civil penalty imposed under this section.

(e) The attorney general may bring an action in the name of the state to restrain or enjoin a person from violating Subsection (a).

SECTION 2. This Act takes effect September 1, 2005.

HB 1326 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 1326, A bill to be entitled An Act relating to community supervision and corrections departments and to the immunity of certain judges for administrative acts in connection with those departments.

Representative Hope moved to concur in the senate amendments to **HB 1326**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 686): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Castro; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Burnam; Chavez.

Senate Committee Substitute

CSHB 1326, A bill to be entitled An Act relating to community supervision and corrections departments and to the immunity of certain judges for administrative acts in connection with those departments.

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

SECTION 1. Section 76.002(a), Government Code, is amended to read as follows:

(a) The district judge or district judges trying criminal cases in each judicial district and the statutory county court judges trying criminal cases in the county or counties served by the judicial district shall:

(1) establish a community supervision and corrections department; and

(2) approve the department's budget and community justice plan [~~employ district personnel as necessary to conduct presentence investigations, supervise and rehabilitate defendants placed on community supervision, enforce the conditions of community supervision, and staff community corrections facilities~~].

SECTION 2. Section 76.003(a), Government Code, is amended to read as follows:

(a) A community justice council must be established by the [~~district judge or district~~] judges described by Section 76.002 who are [in each jurisdiction] served by a department, unless a board or council that was in existence on September 1, 1991, is performing duties substantially similar to those imposed on a community justice council under this section. The council shall provide continuing policy guidance and direction for the development of community justice plans and community corrections facilities, ~~and~~ programs, and conditions of community supervision.

SECTION 3. Section 76.004, Government Code, is amended to read as follows:

Sec. 76.004. DEPARTMENT DIRECTOR; FISCAL OFFICER. (a) The [~~district judge or~~] judges described by Section 76.002 shall appoint a department director who must meet, at a minimum, the eligibility requirements for officers established under Section 76.005.

(a-1) The department director shall perform or delegate the responsibility for performing the following duties:

- (1) overseeing the daily operations of the department;
- (2) preparing annually or biennially a budget for the department;
- (3) negotiating and entering into contracts on behalf of the department;
- (4) establishing policies and procedures for all functions of the department;
- (5) developing personnel policies and procedures, including disciplinary proceedings; and
- (6) establishing procedures and practices through which the department will address an employment-related grievance.

(b) The department director shall employ a sufficient number of officers and other employees to conduct presentence investigations, supervise and rehabilitate defendants placed on community supervision, enforce the conditions of community supervision, and staff community corrections facilities. A person employed under this subsection is an employee of the department and not of the judges or judicial districts [~~perform the professional and clerical work of the department~~].

(c) The [~~district judge or~~] judges described by Section 76.002 may appoint for the department a fiscal officer, other than the county auditor. The fiscal officer is responsible for:

- (1) managing and protecting funds, fees, state aid, and receipts to the same extent that a county auditor manages county funds and funds of other local entities;
- (2) ensuring that financial transactions of the department are lawful and allowable; and
- (3) prescribing accounting procedures for the department.

(d) The [~~district judge or~~] judges described by Section 76.002 may appoint a person as fiscal officer only after investigating the person and determining that the person is:

- (1) a person of unquestionably good moral character and intelligence;
- and

(2) a financial officer with at least two years' experience in auditing and accounting.

(e) A fiscal officer appointed under this section, before beginning employment and not later than the 20th day after the date of appointment, shall:

(1) take an oath stating that the person meets the qualifications required by this section and will not have a personal interest in any contract entered into by the department; and

(2) execute a good and sufficient surety bond that:

(A) is in the amount of \$5,000 or more;

(B) is approved by and payable to the ~~[district judge or]~~ judges described by Section 76.002; and

(C) is conditioned on the faithful performance by the fiscal officer of the officer's duties.

(f) The ~~[district judge or]~~ judges described by Section 76.002 shall set the annual compensation of a fiscal officer appointed under this section, and the department shall pay all costs related to the functions of the fiscal officer.

(g) Subsections (c)-(f) do not diminish the rights of the following officers or entities to examine and audit accounts, records, receipts, and expenditures of a department:

(1) the county auditor of a county served by the department;

(2) the comptroller; ~~and~~

(3) the state auditor; and

(4) the division.

SECTION 4. Chapter 76, Government Code, is amended by adding Section 76.0045 to read as follows:

Sec. 76.0045. JUDICIAL RESPONSIBILITIES; IMMUNITY. (a) The responsibility of a judge described by Section 76.002 for personnel decisions is limited to the appointment of a department director and a fiscal officer.

(b) The responsibility of a judge described by Section 76.002 for budgetary decisions is limited to:

(1) appointment of a fiscal officer; and

(2) approval of the department's budget.

(c) A judge described by Section 76.002 has judicial immunity in a suit arising from:

(1) the performance of a duty described by Section 76.002(a); or

(2) the appointment of a department director or a fiscal officer or an act or failure to act by a department employee or by a department director or fiscal officer.

SECTION 5. Section 76.0051, Government Code, is amended to read as follows:

Sec. 76.0051. AUTHORIZATION TO CARRY WEAPON. An officer is authorized to carry a weapon while engaged in the actual discharge of the officer's duties only if:

(1) the officer possesses a certificate of firearms proficiency issued by the Commission on Law Enforcement Officer Standards and Education under Section 1701.257, Occupations Code ~~[415.038]~~; and

(2) the director of the department agrees [~~and the judges participating in the management of the department agree~~] to the authorization.

SECTION 6. Section 76.006, Government Code, is amended by amending Subsections (a) and (h) and adding Subsection (j) to read as follows:

(a) Except as provided by Subsection (c), department employees are not state employees. The department shall contract for all employee benefits with one county served by the department and designated for that purpose by the [~~district judge or~~] judges described by Section 76.002. To the extent that employee benefits are provided by a county under this subsection, the employees are governed by personnel policies and benefits equal to personnel policies for and benefits of other employees of that county. This subsection does not apply to employee benefits for group insurance and related coverages provided to employees of a department through the group benefits program for state employees under Chapter 1551, Insurance Code.

(h) If under Subsection (a) the [~~district judge or~~] judges described by Section 76.002 change the designation of the county providing employee benefits, the [~~district judge or~~] judges may not subsequently change that designation before the 10th anniversary of the date on which the previous designation was made.

(j) The attorney general shall defend a statutory county court judge in an action in state or federal court if:

(1) the cause of action is the result of the judge performing a duty described by Section 76.002, 76.003, or 76.004; and

(2) the judge requests the attorney general's assistance in the defense.

SECTION 7. Section 76.009(a), Government Code, is amended to read as follows:

(a) The department [~~district judge or judges~~] may expend district funds in order to provide expanded facilities, equipment, and utilities if:

(1) the department needs to increase its personnel in order to provide more effective services or to meet workload requirements established under Chapter 509;

(2) the county or counties certify to the department director [~~judge or judges~~] that they have neither adequate space in county-owned buildings nor adequate funds to lease additional physical facilities, purchase additional equipment, or pay for additional utilities required by the department; and

(3) the county or counties provide facilities, equipment, and utilities at or above the levels required by the division.

SECTION 8. Section 76.010(c), Government Code, is amended to read as follows:

(c) The department [~~district judge or judges~~] may authorize expenditures of funds provided by the division to the department for the purposes of providing facilities, equipment, and utilities for community corrections facilities or state jail felony facilities if:

(1) the community justice council recommends the expenditures; and

(2) the division, or the state jail division in the case of a state jail felony facility, provides funds for the purpose of assisting in the establishment or improvement of the facilities.

SECTION 9. Sections 509.001(1) and (4), Government Code, are amended to read as follows:

(1) "Community corrections facility" means a physical structure, established by the judges described by Section 76.002 ~~[a judicial district]~~ after authorization of the establishment of the structure has been included in the local community justice plan, that is operated by a department or operated for a department by an entity under contract with the department, for the purpose of confining persons placed on community supervision and providing services and programs to modify criminal behavior, deter criminal activity, protect the public, and restore victims of crime. The term includes:

(A) a restitution center;

(B) a court residential treatment facility;

(C) a substance abuse treatment facility;

(D) a custody facility or boot camp;

(E) a facility for an offender with a mental impairment, as defined by Section 614.001, Health and Safety Code; and

(F) an intermediate sanction facility.

(4) "State aid" means funds appropriated by the legislature to the division to provide financial assistance to:

(A) the judges described by Section 76.002 ~~[judicial districts,]~~ for:

(i) a department established by the judges ~~[the administration of departments];~~

(ii) the development and improvement of community supervision services and community-based correctional programs;

(iii) the establishment and operation of community corrections facilities; and

(iv) assistance in conforming with standards and policies of the division and the board; and

(B) state agencies, counties, municipalities, and nonprofit organizations for the implementation and administration of community-based sanctions and programs.

SECTION 10. Section 509.007, Government Code, is amended to read as follows:

Sec. 509.007. COMMUNITY JUSTICE PLAN. (a) The division shall require as a condition to payment of state aid to a department or county under Section 509.011 and eligibility for payment of costs under Section 499.124 that a community justice plan be submitted for the department. The community justice council shall submit the plan required by this subsection. A community justice council may not submit a plan under this section unless the plan is first approved by the ~~[district]~~ judges described by Section 76.002 who established ~~[manage]~~ the department served by the council. The council shall submit a revised plan to the division each odd-numbered year by a date designated by the division. A plan may be amended at any time with the approval of the division.

(b) A community justice plan required under this section must include:

(1) a statement of goals and priorities and of commitment by the community justice council, the ~~[district]~~ judges described by Section 76.002 who established ~~[manage]~~ the department, and the department director to achieve a targeted level of alternative sanctions;

(2) a description of methods for measuring the success of programs provided by the department or provided by an entity served by the department; and

(3) a proposal for the use of state jail felony facilities and, at the discretion of the community justice council, a regional proposal for the construction, operation, maintenance, or management of a state jail felony facility by a county, a community supervision and corrections department, or a private vendor under a contract with a county or a community supervision and corrections department.

SECTION 11. Section 509.011(a), Government Code, is amended to read as follows:

(a) If the division determines that a department complies with division standards and if the community justice council has ~~[department or judges managing the department have]~~ submitted a community justice plan under Section 76.003 and the supporting information required by the division and the division determines the plan and supporting information are acceptable, the division shall prepare and submit to the comptroller vouchers for payment to the department as follows:

(1) for per capita funding, a per diem amount for each felony defendant directly supervised by the department pursuant to lawful authority;

(2) for per capita funding, a per diem amount for a period not to exceed 182 days for each defendant supervised by the department pursuant to lawful authority, other than a felony defendant; and

(3) for formula funding, an annual amount as computed by multiplying a percentage determined by the allocation formula established under Subsection (f) times the total amount provided in the General Appropriations Act for payments under this subdivision.

SECTION 12. Section 76.002(b), Government Code, is repealed.

SECTION 13. The change in law made by Section 76.0045, Government Code, as added by this Act, applies only to an act or failure to act by a judge, a community supervision or corrections department, or a department director that occurs on or after the effective date of this Act. An act or failure to act by a judge, a community supervision and corrections department, or a department director that occurs before the effective date of this Act is governed by the law in effect on the date the act or failure to act occurred, and the former law is continued in effect for that purpose.

SECTION 14. 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, 2005.

HB 162 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 162, A bill to be entitled An Act relating to notifying certain providers of emergency care of possible exposure to certain reportable diseases.

Representative McCall moved to concur in the senate amendments to **HB 162**.

The motion to concur in senate amendments prevailed. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

Senate Committee Substitute

CSHB 162, A bill to be entitled An Act relating to certain procedures related to the possible exposure to certain diseases.

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

SECTION 1. The heading to Section 81.048, Health and Safety Code, is amended to read as follows:

Sec. 81.048. NOTIFICATION OF EMERGENCY PERSONNEL, PEACE OFFICERS, DETENTION OFFICERS, COUNTY JAILERS, AND FIRE FIGHTERS.

SECTION 2. Section 81.048, Health and Safety Code, is amended by amending Subsections (b) and (c) and adding Subsection (g) to read as follows:

(b) Notice of a positive test result for a reportable disease designated under Subsection (a) shall be given to an emergency medical service personnel, peace officer, detention officer, county jailer, or fire fighter as provided by this section if:

(1) the emergency medical service personnel, peace officer, detention officer, county jailer, or fire fighter delivered a person to a hospital as defined by Section 74.001, Civil Practice and Remedies Code [~~1-03, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes)~~];

(2) the hospital has knowledge that the person has a reportable disease and has medical reason to believe that the person had the disease when the person was admitted to the hospital; and

(3) the emergency medical service personnel, peace officer, detention officer, county jailer, or fire fighter was exposed to the reportable disease during the course of duty.

(c) Notice of the possible exposure shall be given:

(1) by the hospital to the local health authority;

(2) by the local health authority to the director of the appropriate department of the entity that employs the emergency medical service personnel, peace officer, detention officer, county jailer, or fire fighter; and

(3) by the director to the employee affected.

(g) A hospital that gives notice of a possible exposure under Subsection (c) or a local health authority that receives notice of a possible exposure under Subsection (c) may give notice of the possible exposure to a person other than emergency medical personnel, a peace officer, a detention officer, a county jailer,

or a fire fighter if the person demonstrates that the person was exposed to the reportable disease while providing emergency care. The executive commissioner of the Health and Human Services Commission shall adopt rules to implement this subsection.

SECTION 3. Subchapter E, Chapter 81, Health and Safety Code, is amended by adding Section 81.0955 to read as follows:

Sec. 81.0955. TESTING FOR ACCIDENTAL EXPOSURE INVOLVING A DECEASED PERSON. (a) This section applies only to the accidental exposure to the blood or other body fluids of a person who dies at the scene of an emergency or during transport to the hospital involving certified emergency medical services personnel, a firefighter, a peace officer, or a first responder who renders assistance at the scene of an emergency or during transport of a person to the hospital.

(b) A hospital, certified emergency medical services personnel, or a physician on behalf of the person exposed, following a report of the exposure incident, shall take reasonable steps to test the deceased person for communicable diseases. The hospital, certified emergency medical services personnel, or physician shall provide the test results to the department or to the local health authority responsible for following the procedures prescribed by Section 81.050(h) to inform the person exposed and, if applicable, the next of kin of the deceased person regarding the test results. The hospital, certified emergency medical services personnel, or physician shall follow applicable reporting requirements prescribed by Subchapter C. This subsection does not impose a duty on a hospital, certified emergency medical services personnel, or a physician to provide any further testing, treatment, or services or to perform further procedures. The executive commissioner of the Health and Human Services Commission shall adopt rules to implement this subsection.

(c) The organization that employs the exposed person or for which the exposed person works as a volunteer in connection with rendering the assistance is responsible for paying the costs of the test.

(d) If the deceased person is delivered to a funeral establishment as defined in Section 651.001, Occupations Code, before a hospital, certified emergency medical services personnel, or a physician has tested the deceased person, the funeral establishment shall allow, if requested by the hospital, certified emergency medical services personnel, or a physician, access to the deceased person for testing under this section.

(e) A test conducted under this section may be performed without the consent of the next of kin of the deceased person being tested.

(f) A hospital, certified emergency medical services personnel, or a physician that conducts a test under this section must comply with the confidentiality requirements of Section 81.046 except as specifically provided by this section.

SECTION 4. This Act takes effect September 1, 2005.

**HB 1820 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1820, A bill to be entitled An Act relating to the requirements for reporting certain information to the attorney general or the legislature.

Representative Otto moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1820**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1820**: Otto, chair; Talton; Blake; Vo; and A. Allen.

**HB 1018 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

Representative M. Noriega called up with senate amendments for consideration at this time,

HB 1018, A bill to be entitled An Act relating to the amount of liability insurance required to be maintained on certain school buses owned by a motor carrier.

Representative M. Noriega moved to concur in the senate amendments to **HB 1018**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 687): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Flores; Flynn; Frost; Gallego; Geren; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose;

Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Dunnam; Farrar; Hodge; Solis.

Absent, Excused, Committee Meeting — Gattis; Pitts.

Absent — Giddings; Kolkhorst.

Senate Committee Substitute

CSHB 1018, A bill to entitled An Act relating to the amount of liability insurance required to be maintained on certain school buses owned by motor carrier.

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

SECTION 1. Section 643.101(b), Transportation Code, is amended to read as follows:

(b) Except as provided by Section 643.1015, the [The] department by rule may set the amount of liability insurance required at an amount that does not exceed the amount required for a motor carrier under a federal regulation adopted under 49 U.S.C. Section 13906(a)(1). In setting the amount the department shall consider:

- (1) the class and size of the vehicle; and
- (2) the persons or cargo being transported.

SECTION 2. Subchapter C, Chapter 643, Transportation Code, is amended by adding Section 643.1015 to read as follows:

Sec. 643.1015. AMOUNT REQUIRED FOR CERTAIN SCHOOL BUSES. (a) This section applies only to a school bus that:

(1) is owned by a motor carrier required to be registered under Subchapter B;

(2) is in compliance with the requirements of Chapter 548; and

(3) is operated exclusively within the boundaries of a municipality by a person who:

(A) holds a driver's license or commercial driver's license of the appropriate class required for the operation of the school bus; and

(B) meets the requirements of Section 521.022.

(b) The owner of a school bus shall maintain liability insurance in the amount of at least \$500,000 combined single limit.

(c) In this section, "school bus" means a motor vehicle that is operated by a motor carrier and used to transport preprimary, primary, or secondary school students on a route between the students' residences and a public, private, or parochial school or day-care facility.

SECTION 3. Section 643.103(a), Transportation Code, is amended to read as follows:

(a) A motor carrier that is required to register under Subchapter B must file with the department evidence of insurance in the amounts required by Section 643.101 or 643.1015, or evidence of financial responsibility as described by Section 643.102, in a form prescribed by the department. The form must be filed:

- (1) at the time of the initial registration;
- (2) at the time of a subsequent registration if the motor carrier was required to be continuously registered under Subchapter B and the carrier failed to maintain continuous registration;
- (3) at the time a motor carrier changes insurers; and
- (4) at the time a motor carrier changes ownership, as determined by rules adopted by the department.

SECTION 4. 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, 2005.

(Speaker in the chair)

FIVE DAY POSTING RULE SUSPENDED

Representative Talton moved to suspend the five day posting rule to allow the Committee on Urban Affairs to consider **SB 1821** during the previously posted hearing for 8 a.m. tomorrow in E1.026.

The motion prevailed.

Representative Smithee moved to suspend the five day posting rule to allow the Committee on Insurance to consider **SB 805** and **SB 809** upon adjournment today in E2.026.

The motion prevailed.

Representative R. Cook moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence to consider **SB 615** at 2 p.m. or upon adjournment tomorrow in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Juvenile Justice and Family Issues, upon final adjournment today, Desk 115, for a formal meeting, to consider pending business.

Urban Affairs, 8 a.m. tomorrow, E1.026, for a public hearing, to consider **SB 1821** and previously posted bills.

Pensions and Investments, upon adjournment today, Desk 41, for a formal meeting, to consider **SB 1319**, **SB 1519**, and pending business.

Calendars, upon final adjournment today, 3W.9, for a formal meeting, to set a calendar.

Border and International Affairs will reconvene upon adjournment today, E1.026, for a public hearing, to consider pending business.

PROVIDING FOR ADJOURNMENT

Representatives Uresti and Escobar 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. tomorrow in memory of Jose M. Lopez of San Antonio.

The motion prevailed.

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.)

HB 2833 - STATEMENT OF VOTE

I was shown voting yes on Record No. 561, I intended to vote no. I intended to vote "no" on **HB 2833** because it would create a new cause of action for regulations intended to preserve and protect environmental standards and drinking water quality. Ordinances adopted by many cities, including San Antonio, that limit impervious cover on environmentally sensitive areas would amount to a taking of private real property requiring compensation at market value.

Raising impervious ground cover limits would endanger stream flow, groundwater recharge, stream banks, and water quality. Safe drinking water supplies could not be maintained at 45 percent impervious cover. Pollutants would increase 25 times, even with engineered water quality controls. Storm flow, the volume of water flowing during storms, would increase by eight times, increasing erosion and flooding. Base flow, water that flows between storms, could decrease by two-thirds, preventing water from reaching the recharge zone.

The bill would reverse protections intended to preserve critical water sources, such as the Edwards Aquifer. Because the aquifer's unique geology increases its vulnerability to pollution, land use regulations on surrounding land owners may seem severe. However, preserving the aquifer's water quality is essential for the 1.5 million people who depend on the Edwards Aquifer for drinking water.

Additionally, the bill, according to the San Antonio Water System, would hamper a city's ability to regulate land use to protect property values. City residents depend on regulatory measures to protect their drinking water. While this bill would not prevent a city from enforcing regulations, it would make enforcement prohibitive. Cities would have to pay landowners not to pollute water, and the bill would coerce cities into diluting regulatory protection.

The Texas Legislative Budget Board noted, "The financial impact on cities is anticipated to be substantial, especially in fast-growing areas of the state".

It is for the above reasons that I would have voted "no" on **HB 2833**.

McClendon

(Hughes in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 6:43 p.m., adjourned until 10 a.m. tomorrow.

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 193 (By J. Davis), Supporting Texas' application for a Mental Health Transformation State Incentive Grant from the U.S. Department of Health and Human Services.

To Human Services.

HR 1750 (By Driver), Requesting the speaker to provide for an interim study by the House Committee on Regulated Industries regarding emergency service fees and surcharges for prepaid wireless telecommunications services.

To Regulated Industries.

SB 12 to State Affairs.

SB 322 to Business and Industry.

SB 1020 to Local Government Ways and Means.

SB 1142 to Culture, Recreation, and Tourism.

SB 1165 to Land and Resource Management.

SB 1251 to Transportation.

SB 1351 to Ways and Means.

SB 1382 to Energy Resources.

SB 1548 to Transportation.

SB 1730 to Local Government Ways and Means.

SB 1735 to Defense Affairs and State-Federal Relations.

SB 1744 to Border and International Affairs.

SB 1839 to Natural Resources.

SB 1840 to Natural Resources.

SB 1857 to Natural Resources.

SB 1858 to Environmental Regulation.

SB 1891 to Natural Resources.

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

SB 757 to Financial Institutions.

SB 1762 to State Affairs.

SIGNED BY THE SPEAKER

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

Senate List No. 21

SB 466, SB 602, SB 929, SB 1199, SB 1253, SB 1302, SB 1436, SB 1754, SCR 33

House List No. 42

HB 18, HB 22, HB 74, HB 230, HB 256, HB 263, HB 330, HB 503, HB 532, HB 564, HB 604, HB 685, HB 736, HB 737, HB 738, HB 739, HB 740, HB 741, HB 742, HB 743, HB 744, HB 964, HB 1015, HB 1076, HB 1139, HB 1155, HB 1190, HB 1328, HB 1602, HB 1677, HB 1752, HB 2131, HB 2377, HB 2379, HB 2453, HB 2475, HB 2555, HB 2949, HB 3240, HB 3340, HCR 2, HCR 24, HCR 37, HCR 59, HCR 128

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

Monday, May 16, 2005

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 12 Zaffirini

Relating to contracting and ethics issues of governmental entities; providing a civil penalty.

SB 322 Staples
Relating to proceeds from the sale of certain state personal and real property.

SB 1142 Carona
Relating to the creation of a film industry incentive program.

SB 1165 Armbrister
Relating to authorizing the City of Aransas Pass to acquire certain state property.

SB 1382 Shapiro
Relating to the reorganization of the Railroad Commission of Texas, including changing the name of the agency to the Texas Energy Commission and transferring powers and duties from and to the agency.

SB 1744 Shapleigh
Relating to the creation of the Texas-Mexico Strategic Investment Commission.

SB 1840 Lucio
Relating to the Willacy County Drainage District No. 1; providing the authority to impose a tax.

SB 1858 Armbrister
Relating to the authority of a local government to enforce a water pollution control and abatement program and establish standards and practices for water quality.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, May 16, 2005 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

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

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 7 Solomons SPONSOR: Staples
Relating to the continuation and operation of the workers' compensation system of this state, including changing the name of the Texas Workers' Compensation Commission to the Texas Department of Workers' Compensation, the powers and duties of the governing authority of that department, the provision of workers' compensation benefits to injured employees, and the regulation of workers' compensation insurers; providing administrative and criminal penalties.
(COMMITTEE SUBSTITUTE)

HB 773 West, George "Buddy" SPONSOR: Armbrister
 Relating to certain purchases by the Railroad Commission of Texas.
 (COMMITTEE SUBSTITUTE)

HB 1540 Bonnen SPONSOR: Williams
 Relating to the regulation by the Texas Commission on Environmental Quality of
 the idling of a motor vehicle while the driver is using the vehicle's sleeper berth;
 providing a penalty.
 (COMMITTEE SUBSTITUTE)

HB 1924 Chavez SPONSOR: Shapleigh
 Relating to the certification of certain health organizations by the Texas State
 Board of Medical Examiners.
 (COMMITTEE SUBSTITUTE/AMENDED)

HB 2202 Hughes SPONSOR: Harris
 Relating to prohibited conflicts of interest of registered lobbyists.

HCR 89 Grusendorf SPONSOR: Brimer
 In memory of President Ronald Wilson Reagan.

HCR 147 Craddick SPONSOR: Seliger
 Honoring Kathryn Patricia Beal, the 2005 Bluebonnet Queen.

HCR 163 Craddick SPONSOR: Seliger
 Honoring Charles and Margaret Semple of Midland on the occasion of their 40th
 anniversary.

HCR 164 Craddick SPONSOR: Seliger
 Congratulating Don Hedgpeth of Medina on receiving the 2004 Wrangler Award
 for Outstanding Art Book from the National Cowboy & Western Heritage
 Museum.

HCR 196 Craddick SPONSOR: Seliger
 Recognizing Beverly Pevehouse of Midland for her contributions to her
 community.

Respectfully,
 Patsy Spaw
 Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
 SENATE CHAMBER
 Austin, Texas
 Monday, May 16, 2005 - 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:

SB 1020

Barrientos

Relating to the exemption from ad valorem taxation of certain property used by a charitable organization operating a radio station that is funded through donations.

SB 1251

Brimer

Relating to the acquisition, construction, maintenance, operation, and provision of toll facilities and a transit system by a regional mobility authority, and the transfer to a regional mobility authority of the toll facilities, transit system, and related assets of a regional tollway authority or transit provider or of certain counties; providing criminal penalties; authorizing a tax.

SB 1351

Williams

Relating to the appeal of certain ad valorem tax determinations through binding arbitration.

SB 1548

Van de Putte

Relating to hydrogen-fueled vehicles and refueling stations.

SB 1730

Janek

Relating to the use of ad valorem taxes by a municipality or county for a sports and community venue project.

SB 1735

Shapleigh

Relating to benefits and rights for certain members of the Texas National Guard and armed forces of the United States.

SB 1839

Lucio

Relating to the creation of the Kleberg County Groundwater Conservation District; providing authority to impose a tax and issue bonds and granting the power of eminent domain.

SB 1857

Madla

Relating to the consolidation of the Kinney County Groundwater Conservation District into the Edwards Aquifer Authority.

SB 1891

Armbrister

Relating to the creation of the La Salle Water Control and Improvement District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 15

(30 Yeas, 0 Nays)

SB 846

(30 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 1103

Senate Conferees: Eltife - Chair/Armbrister/Lindsay/Madla/Staples

SB 1670

Senate Conferees: Staples - Chair/Ellis/Lindsay/Madla/Wentworth

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Monday, May 16, 2005 - 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 603 Ellis
Relating to an education and training program on handling the arrest of a foreign national.

SB 1605 Ogden
Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.

SB 1606 Ogden
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 1704 Ellis
Relating to jury service.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 13

Civil Practices - **SB 442, SB 554, SB 555**

County Affairs - **SB 1214, SB 1660**

Criminal Jurisprudence - **SB 91, SB 1125**

Culture, Recreation, and Tourism - **SB 1100, SB 1504**

Environmental Regulation - **SB 1354**

Law Enforcement - **SB 1195**

Licensing and Administrative Procedures - **SB 381, SB 382, SB 443**

Local Government Ways and Means - **SB 828, SB 833, SB 1198**

Public Health - **SB 665**

Regulated Industries - **SB 408**

Transportation - **SB 433, SB 1384, SB 1590, SB 1786**

ENGROSSED

May 13 - **HB 211, HB 295, HB 533, HB 1111, HB 1232, HB 1462, HB 1763, HB 1823, HB 1826, HB 1854, HB 2026, HB 2099, HB 2139, HB 2233, HB 2339, HB 2420, HB 2492, HB 2630, HB 2639, HB 2702, HB 2716, HB 2866, HB 2941, HB 3047, HB 3048, HB 3468**

May 15 - **HB 31, HB 34, HB 39, HB 65, HB 133, HB 164, HB 273, HB 275, HB 363, HB 407, HB 502, HB 573, HB 580, HB 582, HB 602, HB 609, HB 615, HB 637, HB 677, HB 776, HB 781, HB 873, HB 908, HB 986, HB 1030, HB 1053, HB 1075, HB 1092, HB 1102, HB 1106, HB 1173, HB 1203, HB 1207, HB 1220, HB 1234, HB 1252, HB 1294, HB 1342, HB 1399, HB 1404, HB 1414, HB 1434, HB 1449, HB 1472, HB 1474, HB 1475, HB 1481, HB 1485, HB 1502, HB 1516, HB 1570, HB 1574, HB 1580, HB 1583, HB 1632, HB 1636, HB 1648, HB 1655, HB 1664, HB 1719, HB 1740, HB 1744, HB 1748, HB 1772, HB 1775, HB 1791, HB 1822, HB 1829, HB 1851, HB 1859, HB 1885, HB 1890, HB 1891, HB 1892, HB 1896, HB 1928, HB 2023, HB 2064, HB 2065, HB 2101, HB 2109, HB 2140, HB 2144, HB 2157, HB 2162, HB 2163, HB 2177, HB 2180, HB 2193, HB 2221, HB 2235, HB 2249, HB 2254, HB 2300, HB 2309, HB 2329, HB 2371, HB 2388, HB 2402, HB 2421, HB 2437, HB 2471, HB 2496, HB 2551, HB 2593, HB 2596, HB 2618, HB 2640, HB 2651, HB 2701, HB 2750, HB 2765, HB 2769, HB 2791, HB 2793, HB 2810, HB 2863, HB 2901, HB 2956, HB 2957, HB 2965, HB 2999, HB 3012, HB 3024, HB 3045, HB 3073, HB 3098, HB 3112, HB 3122, HB 3140, HB 3152, HB 3169, HB 3207, HB 3208, HB 3221, HB 3271, HB 3284, HB 3299, HB 3300, HB 3302, HB 3357, HB 3409, HB 3410, HB 3423, HB 3425, HB 3426, HB 3428, HB 3441, HB 3477, HB 3478, HB 3479, HB 3486, HB 3487, HB 3497, HB 3508, HB 3513, HB 3515, HB 3516, HB 3517, HB 3518, HB 3520, HB 3524, HB 3525, HB 3526, HB 3527, HB 3533, HB 3537, HB 3542, HB 3543, HB 3550, HB 3560, HB 3563, HCR 34, HCR 96, HCR 98, HCR 105, HCR 108,**

**HCR 111, HCR 115, HCR 117, HCR 131, HCR 138, HCR 143, HCR 153,
HCR 155, HCR 159**

ENROLLED

**May 15 - HB 18, HB 22, HB 74, HB 230, HB 256, HB 263, HB 330,
HB 503, HB 532, HB 564, HB 604, HB 685, HB 736, HB 737, HB 738,
HB 739, HB 740, HB 741, HB 742, HB 743, HB 744, HB 964, HB 1015,
HB 1076, HB 1139, HB 1155, HB 1190, HB 1328, HB 1602, HB 1677,
HB 1752, HB 2131, HB 2377, HB 2379, HB 2453, HB 2475, HB 2555,
HB 2949, HB 3240, HB 3340, HCR 2, HCR 24, HCR 37, HCR 59, HCR 128**

SIGNED BY THE GOVERNOR

May 13 - HB 297, HB 708, HB 760, HB 901