

HOUSE JOURNAL

SEVENTY-NINTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTIETH DAY — TUESDAY, MAY 17, 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 688).

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; Gallego; Gattis; 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; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Olivo; Otto; Paxton; Peña; Phillips; Pickett; 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; West; Wong; Woolley; Zedler.

Absent, Excused — Hodge; Oliveira.

Absent, Excused, Committee Meeting — Pitts.

Absent — Frost; Moreno, P.; Orr; Vo.

The invocation was offered by E. M. "Happy" Darneal, senior pastor, Faith Assembly Church, Houston, as follows:

O God, we thank you for your presence among us today. We pray that we might also give ourselves to you, offering our life in service to your will in the quietness of this sacred moment. We remember that you planted the seeds of love in the human heart, and now, before you and our friends, we affirm the love that has brought us together.

Father, we pray your blessings on our beloved President Bush; on our governor, the Honorable Rick Perry; our lieutenant governor, the Honorable David Dewhurst; and our state representatives. Guide and protect us in these crucial days in which we live. Give us wisdom and guidance. Father, thank you. In Jesus' name we pray, and all the people said Amen.

The speaker recognized Representative Elkins 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.

LEAVES OF ABSENCE GRANTED

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

Hodge on motion of Keel.

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

Oliveira on motion of Raymond.

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

Pitts on motion of Solomons.

(Orr now present)

CAPITOL PHYSICIAN

The speaker recognized Representative Wong who presented Dr. Stephen Spann of Houston as the "Doctor for the Day."

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

(Frost now present)

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).

(Delisi in the chair)

HR 1233 - READ (by T. King)

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

HR 1233, Honoring CASSE, Inc., and its board of directors for their service to the citizens of Maverick County.

HR 1233 - MOTION TO ADD NAMES

On motion of Representative Gallego, the names of all the members of the house were added to **HR 1233** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative T. King who introduced members of the board of directors for CASSE, Inc.

LEAVE OF ABSENCE GRANTED

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

Kolkhorst on motion of Crownover.

HCR 204 - ADOPTED

(by Homer)

Representative Homer moved to suspend all necessary rules to take up and consider at this time **HCR 204**.

The motion prevailed.

The following resolution was laid before the house:

HCR 204, Recognizing George Law of Sulphur Springs on his selection as Sulphur Springs Kiwanis Layperson of the Year.

HCR 204 was adopted.

HR 1519 - ADOPTED

(by Farabee)

Representative Farabee moved to suspend all necessary rules to take up and consider at this time **HR 1519**.

The motion prevailed.

The following resolution was laid before the house:

HR 1519, Commemorating the 10th anniversary of the founding of the James V Allred Unit of the Texas Department of Criminal Justice.

HR 1519 was read and was adopted.

HCR 168 - ADOPTED

(by Rose)

Representative Rose moved to suspend all necessary rules to take up and consider at this time **HCR 168**.

The motion prevailed.

The following resolution was laid before the house:

HCR 168, Recognizing the problem of obesity in Texas and encouraging awareness of prevention and treatment methods.

HCR 168 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Rose who introduced Dr. Lloyd Stegemann, Dr. John Pilcher, and Cyndi Inkpen.

LEAVE OF ABSENCE GRANTED

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

Gattis on motion of Solomons.

HR 1661 - ADOPTED

(by Castro, et al.)

Representative Castro moved to suspend all necessary rules to take up and consider at this time **HR 1661**.

The motion prevailed.

The following resolution was laid before the house:

HR 1661, Commending Latina Crown USA for its contributions to the Latinas of the Lone Star State.

HR 1661 was read and was adopted.

(Vo now present)

HR 1795 - ADOPTED

(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1795**.

The motion prevailed.

The following resolution was laid before the house:

HR 1795, Honoring Robert Lloyd Parker I of Houston on his 65th birthday and his retirement from Procter & Gamble.

HR 1795 was adopted.

HR 1516 - ADOPTED

(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1516**.

The motion prevailed.

The following resolution was laid before the house:

HR 1516, Honoring Dr. M. L. Jackson on his 47th pastoral anniversary with Bethlehem Missionary Baptist Church of Houston.

HR 1516 was adopted.

HR 1517 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1517**.

The motion prevailed.

The following resolution was laid before the house:

HR 1517, Congratulating the members of the eighth-grade class of Northwest Preparatory Academy Charter School of Houston on the occasion of their graduation.

HR 1517 was adopted.

HR 1551 - ADOPTED
(by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1551**.

The motion prevailed.

The following resolution was laid before the house:

HR 1551, Honoring Phi Delta Kappa, Inc., and its Delta Chi Chapter in Houston on the occasion of the groups' Founder's Day observance.

HR 1551 was adopted.

HR 1766 - ADOPTED
(by J. Jones)

Representative J. Jones moved to suspend all necessary rules to take up and consider at this time **HR 1766**.

The motion prevailed.

The following resolution was laid before the house:

HR 1766, Honoring Deloris Rosaya Washington on the occasion of her retirement.

HR 1766 was adopted.

POSTPONED BUSINESS

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

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.

SB 447 was read second time on May 16 and was postponed until 10 a.m. today.

SB 447 - POINT OF ORDER

Representative Gallego raised a point of order against further consideration of **SB 447** under Rule 4, Section 9; Rule 4, Section 11(b); Rule 4, Section 12; Rule 4, Section 18; and Rule 4, Section 32(b) of the House Rules and Article III, Section 16 of the Texas Constitution on the grounds that the Committee on Local Government Ways and Means had a meeting while the house was in session that was not announced, the meeting is not included in the committee report, and because there are no minutes of the meeting, it was an improper closed meeting not open to the public.

The point of order was withdrawn.

Representative Madden moved to postpone consideration of **SB 447** until 1 p.m. today.

The motion prevailed.

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 368 ON THIRD READING
(Hartnett, Luna, Pitts, P. King, and Dutton - House Sponsors)**

SB 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 **SB 368**:

Amend **SB 368** on third reading by inserting the following SECTION, appropriately numbered:

SECTION _____. On September 1, 2005, the Employees Retirement System of Texas shall recompute under Section 839.102, Government Code, as amended by this Act, the annuities of persons who have retired, or the annuities of beneficiaries of persons who have died, as if the persons had retired or died under the lesser of the salary provisions of Subchapter E, Title 8, Government Code, or the salary provisions of the General Appropriations Act of the 79th Legislature, Regular Session, 2005. The first payment of the recomputed annuities becomes payable on the first date a payment becomes due after the effective date of this Act.

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Gonzales and Hartnett offered the following amendment to **SB 368**:

Amend **SB 368** on third reading by inserting the following new SECTIONS, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 834.101(a), Government Code, is amended to read as follows:

(a) A member is eligible to retire and receive a base service retirement annuity if the member:

(1) is at least 65 years old, currently holds a judicial office, and has at least 10 years of service credited in the retirement system;

(2) is at least 65 years old and has at least 12 years of service credited in the retirement system, regardless of whether the member currently holds a judicial office; ~~or~~

(3) has at least 20 years of service credited in the retirement system, regardless of whether the member currently holds a judicial office; or

(4) 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, regardless of whether the member currently holds a judicial office.

SECTION ____ . Section 839.101(a), Government Code, is amended to read as follows:

(a) A member is eligible to retire and receive a service retirement annuity if the member:

(1) is at least 65 years old, currently holds a judicial office, and has at least 10 years of service credited in the retirement system;

(2) is at least 65 years old and has at least 12 years of service credited in the retirement system, regardless of whether the member currently holds a judicial office;

(3) is at least 55 years old and has at least 20 years of service credited in the retirement system, regardless of whether the member currently holds a judicial office; or

(4) has served at least 12 years [~~two full terms~~] 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, regardless of whether the member currently holds a judicial office.

Amendment No. 2 was adopted.

SB 368, as amended, 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. Members registering votes are as follows: Anderson, Baxter, Burnam, Crabb, Y. Davis, Delisi, Elkins, Goolsby, Guillen, Hilderbran, Hochberg, Homer, Hopson, J. Jones, Krusee, Menendez, Merritt, Raymond, Thompson, and Villarreal recorded voting no; B. Brown, Farabee, D. Jones, Keel, Laney, Peña, and Talton recorded voting present, not voting.)

REASONS FOR VOTE

I favor a judicial compensation increase, but I do not favor linking that increase with an increase in legislative pensions.

Branch
Flynn

I support judicial pay raises. This is the first raise since 1996. I wish the linkage to representative retirement had not occurred.

Casteel

LEAVE OF ABSENCE GRANTED

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

Bailey on motion of Phillips.

SB 403 ON THIRD 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. (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 THIRD 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.

SB 415 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.)

SB 419 ON THIRD READING (Solomons - House Sponsor)

SB 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.

Amendment No. 1

Representative Uresti offered the following amendment to **SB 419**:

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

(1) In Section 1.11 of the bill, in added Section 153.0015(a), Occupations Code (page 8, lines 18 and 19), strike "Texas State Board of Physician Assistant Examiners" and substitute "Texas Physician Assistant Board".

(2) In Article 2 of the bill (page 43, lines 12–15), strike SECTION 2.01 and substitute the following:

SECTION 2.01. Section 204.002, Occupations Code, is amended to read as follows:

Sec. 204.002. DEFINITIONS. In this chapter:

(1) "Medical board" means the Texas [~~State Board of~~] Medical Board Examiners].

(2) "Physician assistant board" means the Texas [~~State Board of~~ Physician Assistant Board ~~Examiners~~].

(3) In Section 2.35(a) of the bill (page 68, lines 2 and 3), strike "Texas State Board of Physician Assistant Examiners" and substitute "Texas Physician Assistant Board".

(4) In Section 2.35(b) of the bill (page 68, lines 8 and 9), strike "Texas State Board of Physician Assistant Examiners" and substitute "Texas Physician Assistant Board".

(5) In Section 2.36(a) of the bill (page 68, line 19), strike "Texas State Board of Physician Assistant Examiners" and substitute "Texas Physician Assistant Board".

(6) In Section 2.36(b) of the bill (page 69, lines 1 and 2), strike "Texas State Board of Physician Assistant Examiners" and substitute "Texas Physician Assistant Board".

(7) In Section 2.36(c) of the bill (page 69, line 7), strike "authority of the Texas State Board of Physician Assistant Examiners" and substitute "authority of the Texas Physician Assistant Board".

(8) In Section 2.36(c) of the bill (page 69, lines 9 and 10) strike "filed with the Texas State Board of Physician Assistant Examiners" and substitute "filed with the Texas Physician Assistant Board".

(9) Add the following appropriately numbered SECTIONS to Article 2 of the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. The heading to Subchapter B, Chapter 204, Occupations Code, is amended to read as follows:

SUBCHAPTER B. TEXAS [~~STATE BOARD OF~~] PHYSICIAN ASSISTANT BOARD [~~EXAMINERS~~]

SECTION __. Section 204.051, Occupations Code, is amended to read as follows:

Sec. 204.051. TEXAS [~~STATE BOARD OF~~] PHYSICIAN ASSISTANT BOARD [~~EXAMINERS~~]. (a) The Texas [~~State Board of~~] Physician Assistant Board [~~Examiners~~] is an advisory board to the Texas State Board of Medical Examiners.

(b) A reference in any other law to the former Texas State Board of Physician Assistant Examiners means the Texas Physician Assistant Board.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Raymond offered the following amendment to **SB 419**:

Amend **SB 419** on third reading by striking Subdivision (18), Subsection (a), Section 164.052, Occupations Code, as added to the bill by Amendment No. 2 by Hartnett and amended by Amendment No. 3 by Hartnett and Amendment No. 8 by Raymond, and substituting:

(18) performs an abortion on a woman who is pregnant with a viable unborn child during the third trimester of the pregnancy unless:

(A) the abortion is necessary to prevent the death of the woman;

(B) the viable unborn child has a severe, irreversible brain impairment; or

(C) the woman is diagnosed with a significant likelihood of suffering imminent severe, irreversible brain damage or paralysis.

Amendment No. 3

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

Amend Amendment No. 2 by Raymond to **SB 419** in proposed Subdivision (18), Subsection (a), Section 164.052, Occupations Code (page 1, line 15), between "or" and "paralysis" by inserting "imminent severe, irreversible".

Amendment No. 3 was adopted.

Amendment No. 2, as amended, was adopted.

(P. Moreno now present)

Amendment No. 4

Representative Miller offered the following amendment to **SB 419**:

Amend **SB 419** on third reading as follows:

(1) In the SECTION of the bill amending Subdivision (17), Section 164.052(a), Occupations Code, strike "; or" and substitute ";".

(2) In the SECTION of the bill adding proposed Subdivision (18), Section 164.052(a), Occupations Code, insert the following between "abortion" and the period:

; or

(19) performs an abortion without executing for inclusion in a minor's medical record an affidavit that states:

"I (insert name of physician) certify that according to my best information and belief, a reasonable person under similar circumstances would rely on the information presented by both the minor and her parent, managing conservator, or guardian as sufficient evidence of identity. The parent, managing conservator, or guardian of (insert name of minor) has given consent for me to perform an abortion on the minor. I understand that any person who with intent to deceive and with knowledge of a statement's meaning makes a fraudulent statement in this regard commits an offense punishable by law".

Amendment No. 4 was withdrawn.

Amendment No. 5

Representative Miller offered the following amendment to **SB 419**:

Amend **SB 419** on third reading as follows:

(1) Strike the proposed introductory language to amended Section 164.052, Occupations Code, and substitute the following:

SECTION __. Section 164.052, Occupations Code, is amended by amending Subsection (a) and adding Subsections (a-1) and (a-2) to read as follows:

(2) In amended Section 164.052(a)(17), Occupations Code, as amended by Amendment No. 11 by Hartnett, strike "board; or" and substitute "board;".

(3) In proposed Section 164.052(a)(18), Occupations Code, as added by Amendment No. 11 by Hartnett, strike the period and substitute the following:

; or

(19) performs an abortion on a pregnant unemancipated minor, unless the physician performing the abortion or the physician's agent obtains:

(A) from the minor's parent who appears in person at the facility where the abortion is to be performed, if the minor does not have a managing conservator or guardian, a copy of the parent's proof of identification and a completed, signed form with the following statement:

"I certify that I, _____ (insert parent's name), am the parent of _____ (insert minor daughter's name) and have consented to _____ (insert physician's name) performing an abortion on _____ (insert minor daughter's name). I understand that any person who intentionally, knowingly, recklessly, or with criminal negligence makes a fraudulent statement in this regard commits an offense punishable by law.

_____ Signature of parent

_____ Date of signature"; or

(B) from the minor's court-appointed managing conservator or guardian who appears in person at the facility where the abortion is to be performed a copy of the conservator's or guardian's proof of identification and a completed, signed form with the following statement:

"I certify that I, _____ (insert conservator's or guardian's name), am the conservator or guardian of _____ (insert minor's name) and have consented to _____ (insert physician's name) performing an abortion on _____ (insert minor's name). I understand that any person who intentionally, knowingly, recklessly, or with criminal negligence makes a fraudulent statement in this regard commits an offense punishable by law.

_____ Signature of conservator or guardian

_____ Date of signature.

(a-1) A person who is unable to produce satisfactory proof of the identity, the relationship, or any other fact required under Subsection (a)(18), or a pregnant female whose ability to obtain an abortion is affected by Subsection (a)(18), may file a petition or motion with any county court at law, court having probate jurisdiction, or district court, including a family district court, of the county in which the person resides or of the county in which the abortion is to be performed. The judge of the court, after conducting a hearing in accordance with the required procedures and determining by a preponderance of the evidence the truth of the requisite fact or facts, shall issue an order authorizing the physician to perform the abortion.

(a-2) An order authorizing a physician to perform an abortion issued as provided by Subsection (a-1) may not be appealed. A person whose petition or motion submitted under Subsection (a-1) is denied may appeal to the court of appeals having jurisdiction over civil matters in the county in which the application was filed.

Amendment No. 6

Representative Solomons offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Miller by striking the text of the amendment and substituting the following:

Amend **SB 419** on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 164.052, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The board shall adopt the forms necessary for physicians to obtain the consent required for an abortion to be performed on an unemancipated minor under Subsection (a). The form executed to obtain consent or any other required documentation must be retained by the physician until the later of the fifth anniversary of the date of the minor's majority or the seventh anniversary of the date the physician received or created the documentation for the record.

Amendment No. 6 was adopted.

Amendment No. 5, as amended, was adopted.

Amendment No. 7

Representative Miller offered the following amendment to **SB 419**:

Amend **SB 419** on third reading as follows:

(1) In the SECTION of the bill amending Subdivision (17), Section 164.052 (a), Occupations Code, strike "; or" and substitute ";".

(2) In the SECTION of the bill adding proposed Subdivision (18), Section 164.052 (a), Occupations Code, insert the following between "abortion" and the period:

; or

(19) performs an abortion without executing for inclusion in a minor's medical record an affidavit that states:

"I (insert name of physician) certify that according to my best information and belief, a reasonable person under similar circumstances would rely on the information presented by both the minor and her parent, managing conservator, or guardian as sufficient evidence of identity. The parent, managing conservator, or guardian of (insert name of minor) has given consent for me to perform an abortion on the minor. I understand that any person who with intent to deceive and with knowledge of a statement's meaning makes a fraudulent statement in this regard commits an offense punishable by law".

Amendment No. 8

Representative Alonzo offered the following amendment to Amendment No. 7:

Amend Amendment No. 7 by Miller by adding the following appropriately numbered item:

() Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION __. Section 164.052, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) For purposes of the parent's proof of identification required under Subsection (a), a physician may accept an identity document issued by the government of another country, if that document bears the applicant's photograph, full name, and date of birth and the government of the other country has established reasonable mechanisms by which the physician can verify the identity document.

Representative Miller moved to table Amendment No. 8.

A record vote was requested.

The motion to table prevailed by (Record 689): 77 Yeas, 59 Nays, 2 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Cook, B.; Corte; Crabb; Crownover; Dawson; Denny; Driver; Eissler; Elkins; Flynn; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Madden; McCall; Merritt; Miller; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Reyna; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Burnam; Castro; Chavez; Coleman; Cook, R.; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Geren; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Herrero; Hilderbran; Hochberg; Jones, J.; Keel; King, T.; Laney; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; Menendez; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Strama; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused — Bailey; Hodge; Oliveira.

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

Absent — Giddings; Hughes; McReynolds; Morrison; Seaman.

STATEMENTS OF VOTE

When Record No. 689 was taken, I was temporarily out of the house chamber. I would have voted no.

Giddings

When Record No. 689 was taken, I was in the house but away from my desk. I would have voted yes.

Seaman

SB 419- STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE MARTINEZ FISCHER: Chairman Solomons, is it your opinion in your amendment that the Board of Medical Examiners will have broad flexibility to adopt a form that would incorporate any instance where there may be an identification problem with immigrants and other people?

REPRESENTATIVE SOLOMONS: I think the board has the flexibility under this to adopt the necessary forms that are going to be needed by the physicians to protect themselves in case of a question as to whether or not there was consent. And the doctors themselves are going to want to ensure themselves that they have the necessary identification forms and whatever else they need to ensure that there is consent. I think their insurance companies are going to say we need the best consent documentation to make sure you are protected.

MARTINEZ FISCHER: And that was your intent?

SOLOMONS: My intent was not to micromanage every darn thing that we do in this connection.

REMARKS ORDERED PRINTED

Representative Martinez Fischer moved to print remarks between Representative Solomons and Representative Martinez Fischer.

The motion prevailed.

(Speaker in the chair)

A record vote was requested.

Amendment No. 7 failed of adoption (not receiving the necessary two-thirds vote) by (Record 690): 76 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Callegari; Campbell; Chisum; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Driver; Eissler; Elkins; Escobar; Flynn; Gallego; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Harper-Brown; Hartnett; Hegar; Hilderbran; Hill; Hochberg; Hopson; Howard; Hupp; Jackson; Keffer, B.; Keffer, J.; King, P.; Krusee; Kuempel; Laubenberg; Madden; Martinez; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Quintanilla; Reyna; Riddle; Seaman; Smith, T.; Smith, W.; Smithee; Swinford; Talton; Taylor; Truitt; Uresti; Van Arsdale; Vo; West; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Brown, F.; Burnam; Casteel; Castro; Chavez; Coleman; Cook, B.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Farabee; Farrar; Flores; Frost; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Haggerty; Hamric; Hardcastle; Herrero; Homer; Hope; Hunter; Isett; Jones, D.; Jones, J.; Keel; King, T.; Laney; Leibowitz; Luna; Martinez Fischer; McClendon; Menendez; Moreno, P.; Naishtat; Noriega, M.;

Olivo; Peña; Pickett; Puente; Raymond; Ritter; Rodriguez; Rose; Solis; Solomons; Strama; Straus; Thompson; Turner; Veasey; Villarreal; Wong; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Hodge; Oliveira.

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

Absent — Dawson; Hughes.

STATEMENTS OF VOTE

I was shown voting no on Record No. 690. I intended to vote yes.

Casteel

I was shown voting no on Record No. 690. I intended to vote yes.

Keel

I was shown voting no on Record No. 690. I intended to vote yes.

Peña

A record vote was requested.

SB 419, as amended, was passed by (Record 691): 121 Yeas, 12 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; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Herrero; Hilderbran; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Nixon; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Castro; Chavez; Coleman; Davis, Y.; Naishtat; Noriega, M.; Rodriguez; Thompson; Turner.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Hodge; Oliveira.

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

Absent — Burnam; Edwards; Escobar; Geren; Giddings; Hughes; Jones, J.; Martinez Fischer; Moreno, P.

STATEMENTS OF VOTE

When Record No. 691 was taken, my vote failed to register. I would have voted yes.

Edwards

When Record No. 691 was taken, I was temporarily out of the house chamber. I would have voted no.

Giddings

When Record No. 691 was taken, I was temporarily out of the house chamber. I would have voted yes.

Hughes

When Record No. 691 was taken, my vote failed to register. I would have voted yes.

Martinez Fischer

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).

FIVE DAY POSTING RULE SUSPENDED

Representative Bonnen moved to suspend the five day posting rule to allow the Committee on Environmental Regulation to consider **SB 1858** and other previously posted business at 8 a.m. tomorrow in E1.026.

The motion prevailed.

Representative Keel moved to suspend the five day posting rule to allow the Committee on Criminal Jurisprudence to consider **SB 309** at 2 p.m. or upon adjournment today in E2.016.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Environmental Regulation, 8 a.m. tomorrow, E1.026, for a public hearing, to consider **SB 1858** and other previously posted business.

Financial Institutions, upon lunch recess today, Desk 7, for a formal meeting, to consider **SB 757**, **SB 1112**, **SB 1143**, **SB 1173**, **SB 1479**, and **SB 1538**.

Land and Resource Management, upon lunch recess today, Desk 74, for a formal meeting, to consider **SB 854** and **SB 1044**.

Defense Affairs and State-Federal Relations, upon lunch recess today, Desk 76, for a formal meeting, to consider pending business.

Agriculture and Livestock, upon lunch recess today, Desk 25, for a formal meeting, to consider pending business.

Judiciary, upon lunch recess today, Desk 70, for a formal meeting, to consider pending bills.

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. 43 and Senate List No. 22).

RECESS

At 12:05 p.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the speaker.

POSTPONED BUSINESS

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

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.

SB 447 was read second time on May 16, postponed until 10 a.m. today, and was again postponed until this time.

SB 447 - POINT OF ORDER

Representative Gallego raised a point of order against further consideration of **SB 447** under Rule 4, Section 9; Rule 4, Section 11(b); Rule 4, Section 12; Rule 4, Section 18; and Rule 4, Section 32(b) of the House Rules and Article III, Section 16 of the Texas Constitution on the grounds that the committee on Local Government Ways and Means had a meeting while the house was in session that was not announced, the meeting is not included in the committee report, and because there are no minutes of the meeting, it was an improper closed meeting not open to the public.

The speaker overruled the point of order, speaking as follows:

Representative Gallego raised a point of order against further consideration of **SB 447** on the grounds that a violation of Rule 4, Section 9; Rule 4, Section 11(b); Rule 4, Section 12; Rule 4, Section 18; and Rule 4, Section 32(b) of the House Rules and a violation of Article III, Section 16 of the Texas Constitution has occurred.

The Local Government Ways and Means Committee met at 8:45 p.m. on May 11. At that meeting, **SB 447** was discussed. The record is clear that the 8:45 p.m. meeting was not properly posted or announced.

Subsequent to that meeting, it was discovered that the 8:45 p.m. meeting had not been properly posted, the chairman of the committee made a motion to hold a 9 p.m. meeting. The motion was approved by the house and the committee met properly, subsequent to the motion, and passed out **SB 447**.

It is clear that the 8:45 p.m. meeting was not a properly posted meeting, therefore it was not required to be reflected in the committee report and any action arising from the meeting would have been a nullity. If the committee had not recognized their error and held a subsequent proper meeting, the points of order raised by Representative Gallego relating to properly posting notice of a meeting under the House Rules would likely have been sustained. However, in this case, the committee recognized the error, took appropriate remedial action for their error by properly announcing the meeting, and then announced and conducted their meeting properly and voted out **SB 477**.

Accordingly, the point of order is respectfully overruled.

Amendment No. 1

Representative Madden offered the following amendment to **SB 447**:

Amend **SB 447** as follows:

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

(c) A person who purchases an ad valorem tax receivable, or a person who controls, is controlled by, is under common control with, or is an affiliate of that person:

(1) may not contact or attempt to contact the owner of the property associated with the tax receivable for the purpose of:

(A) giving notice of the tax receivable;

(B) discussing the tax receivable; or

(C) soliciting information related to the tax receivable;

(2) is not entitled to:

(A) collect the tax receivable from the owner of the property associated with the tax receivable; or

(B) foreclose the ad valorem tax lien on the property to enforce the tax receivable; and

(3) may not enter into an agreement under Section 32.06, Tax Code, that authorizes the person to pay ad valorem taxes imposed on the property associated with the tax receivable.

(2) On page 4, line 4, strike "(c)" and substitute "(d)".

Amendment No. 1 was adopted.

Amendment No. 2

Representatives Hochberg and Madden offered the following amendment to **SB 447**:

Amend **SB 447** as follows:

(1) On Page 13, Line 6 add at the end of Section 274.019, the following sentence:

"A tax receivable sold under this chapter is recognized for purposes of rollback calculations in the year in which the actual taxes are collected."

(2) On page 13, replace lines 7 through 14 with the following:

"Sec. 274.020. EFFECT OF SALE BY SCHOOL DISTRICT OF TAX RECEIVABLE. The allocation of state or federal funds to a school district or the entitlement of the school district to state or federal funds under the Education

Code is not affected by sale of an ad valorem tax receivable under this chapter. A tax receivable sold under this chapter is recognized for purposes of allocating state or federal funds in the year in which the actual taxes are collected. The taxable value of property in the district is not affected by sale of an ad valorem tax receivable under this chapter for purposes of the allocation of or entitlement to those funds."

Amendment No. 2 was adopted.

Amendment No. 3

Representative Puente offered the following amendment to **SB 447**:

Amend **SB 447** as follows:

(1) In SECTION 1 of the bill, in the heading to proposed Section 274.021, Local Government Code (committee printing, page 13, line 15), strike "SCHOOL DISTRICT".

(2) In SECTION 1 of the bill, proposed Section 274.021, Local Government Code (committee printing, page 13, line 16), between "RECEIVABLES." and "The sale", insert:

(a) A local government may not sell an ad valorem tax receivable before the first anniversary of the date on which the taxes associated with the tax receivable become delinquent.

(b)

(3) In SECTION 1 of the bill, proposed Section 274.021, Local Government Code (committee printing, page 13, line 16), strike "by a school district".

(4) In SECTION 1 of the bill, proposed Section 274.021, Local Government Code (committee printing, on page 13, lines 18 through 20), strike Subdivision (1).

(5) In SECTION 1 of the bill, proposed Section 274.021, Local Government Code (committee printing, page 13, line 21), strike "(2)" and substitute "(1)".

(6) In SECTION 1 of the bill, proposed Section 274.021, Local Government Code (committee printing, page 13, line 23), strike "90" and substitute "95".

(7) In SECTION 1 of the bill, proposed Section 274.021, Local Government Code (committee printing, page 13, line 25, strike "(3)" and substitute "(2)".

(Gattis now present)

Representative Madden moved to table Amendment No. 3.

A record vote was requested.

The motion to table was lost by (Record 692): 47 Yeas, 82 Nays, 2 Present, not voting.

Yeas — Baxter; Berman; Blake; Bonnen; Branch; Campbell; Cook, B.; Corte; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Eiland; Eissler; Flynn; Geren; Goodman; Goolsby; Grusendorf; Hamric; Hill; Hochberg;

Hope; Hughes; Hupp; Keffer, B.; Keffer, J.; King, T.; Krusee; Laney; Laubenberg; Madden; McCall; Orr; Paxton; Peña; Reyna; Smith, T.; Smith, W.; Smithee; Van Arsdale; West; Wong; Woolley.

Nays — Allen, A.; Allen, R.; Alonzo; Anchia; Anderson; Bohac; Brown, B.; Brown, F.; Burnam; Callegari; Casteel; Castro; Chavez; Chisum; Coleman; Cook, R.; Crabb; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Elkins; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Guillen; Hamilton; Hardcastle; Hartnett; Hegar; Herrero; Hilderbran; Hopson; Hunter; Jackson; Jones, D.; Jones, J.; Keel; Kuempel; Leibowitz; Luna; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Mowery; Noriega, M.; Otto; Phillips; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Solis; Solomons; Strama; Swinford; Talton; Taylor; Truitt; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused — Bailey; Hodge; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Haggerty; Harper-Brown; Howard; Isett; King, P.; Morrison; Naishtat; Nixon; Olivo; Seaman; Straus; Thompson; Zedler.

STATEMENTS OF VOTE

When Record No. 692 was taken, I was in the house but away from my desk. I would have voted no.

Harper-Brown

When Record No. 692 was taken, I was in the house but away from my desk. I would have voted yes.

P. King

When Record No. 692 was taken, I was in the house but away from my desk. I would have voted yes.

Seaman

When Record No. 692 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

A record vote was requested.

The vote of the house was taken on the adoption of Amendment No. 3 and the vote was announced yeas 67, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 693): 77 Yeas, 63 Nays, 1 Present, not voting.

Yeas — Allen, A.; Alonzo; Blake; Bohac; Bonnen; Brown, F.; Burnam; Callegari; Casteel; Castro; Chisum; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Escobar; Farabee; Farrar; Flores; Frost; Gallego; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Griggs; Guillen; Haggerty; Hamilton; Hardcastle; Hegar; Herrero; Hilderbran;

Homer; Hope; Howard; Keel; Keffer, J.; King, T.; Kuempel; Laney; Leibowitz; Luna; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miller; Naishtat; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, W.; Solis; Swinford; Talton; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

Nays — Allen, R.; Anchia; Anderson; Baxter; Berman; Branch; Brown, B.; Campbell; Chavez; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Eissler; Flynn; Geren; Goolsby; Grusendorf; Hamric; Harper-Brown; Hartnett; Hill; Hochberg; Hopson; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, J.; Keffer, B.; King, P.; Krusee; Laubenberg; Madden; McCall; Moreno, P.; Morrison; Mowery; Nixon; Noriega, M.; Orr; Otto; Paxton; Phillips; Reyna; Smith, T.; Smithee; Solomons; Strama; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Hodge; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Jackson; Martinez; Straus.

(Morrison in the chair)

The chair stated that Amendment No. 3 was adopted by the above vote.

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).

COMMITTEE GRANTED PERMISSION TO MEET

Representative Grusendorf requested permission for the conference committee on **HB 2** to meet while the house is in session.

Permission to meet was granted.

LEAVE OF ABSENCE GRANTED

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

Martinez on motion of Solis.

SB 447 - (consideration continued)

Amendment No. 4

Representative F. Brown offered the following amendment to **SB 447**:

Amend **SB 447** by adding the following:

Sec. 274.005(d). A purchaser of a tax receivable is prohibited from engaging, directly or indirectly, in any collection activity.

Amendment No. 4 was adopted.

Amendment No. 5

Representative McReynolds offered the following amendment to **SB 447**:

Amend **SB 447**, in SECTION 1 of the bill, proposed Section 274.001, Local Government Code (committee printing, on page 1, lines 17-24), by striking proposed Subdivision (3) and substituting:

(3) "Tax receivable" means a right to receive the revenue from:

(A) a delinquent ad valorem tax imposed by a local government on real property for a specific tax year or a specific tax account, other than a delinquent ad valorem tax imposed on real property that, on the date the tax was imposed:

(1) had been granted a residence homestead exemption under Section 11.13, Tax Code; or

(2) was appraised under a law enacted under Section 1-d or 1-d-1, Article VIII, Texas Constitution; and

(B) a delinquent assessment or other charge imposed by a local government that is secured by a lien on real property, other than a lien on real property that, on the date the lien was perfected, was a property described by Paragraph (A)(1) or (2).

Representative Madden moved to table Amendment No. 5.

The motion to table was lost.

Amendment No. 5 was adopted.

Amendment No. 6

On behalf of Representative Haggerty, Representative Madden offered the following amendment to **SB 447**:

Amend **SB 447** by adding the following:

Section 274.011, Local Government Code, is amended by adding Subsection (i) to read as follows:

(i) A purchase and sale agreement may not contain any provision that would interfere with the right of an individual to authorize another person to pay the taxes imposed by a taxing unit on the person's real or personal property as authorized under Sections 32.06 or 32.065, Tax Code.

Amendment No. 6 was adopted.

Amendment No. 7

Representatives Berman, Chisum, Flynn, Jackson, Taylor, and Casteel offered the following amendment to **SB 447**:

Amend **SB 447** as follows:

(1) In SECTION 1 of the bill, proposed Section 274.001, Local Government Code (committee printing, page 1, lines 8 through 13), strike Subdivision (1) and substitute:

(1) "Date of sale" means the date the tax receivable sale and purchase agreement is signed.

(2) In SECTION 1 of the bill, strike proposed Sections 274.006-274.008, Local Government Code (committee printing, page 4, line 7 through page 6, line 13), and substitute:

Sec. 274.006. METHOD OF SALE. A sale of a tax receivable under this chapter may only be made through a negotiated sale to the bank, credit union, or savings association selected by the local government to provide depository services to the local government under a depository services contract.

(3) In SECTION 1 of the bill, proposed Section 274.010(a), Local Government Code (committee printing, page 6, lines 21 and 22), strike "for which notice has been published".

(4) In SECTION 1 of the bill, strike proposed Section 274.017, Local Government Code (committee printing, page 12, lines 14 through 20).

(5) In SECTION 1 of the bill, renumber existing sections of proposed Chapter 274, Local Government Code, as appropriate.

Representative Madden moved to table Amendment No. 7.

The motion to table was lost.

Amendment No. 7 was adopted.

Representative Madden moved to postpone consideration of **SB 447** until 10 a.m. May 23.

The motion prevailed.

**GENERAL STATE CALENDAR
SENATE BILLS
THIRD READING**

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

**SB 310 ON THIRD READING
(Bohac - House Sponsor)**

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

SB 310 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.)

**SB 46 ON THIRD 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.

A record vote was requested.

SB 46 was passed by (Record 694): 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; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Tourelles; 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.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Mowery; Naishtat; Nixon; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; 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; Wong; Woolley; Zedler.

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

Absent, Excused — Bailey; Hodge; Martinez; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Farabee; West.

STATEMENT OF VOTE

When Record No. 694 was taken, I was in the house but away from my desk. I would have voted yes.

Farabee

SB 48 ON THIRD READING (Hupp - House Sponsor)

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

SB 48 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.)

SB 495 ON THIRD READING (Turner - House Sponsor)

SB 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.

SB 495 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.)

SB 1330 ON THIRD 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.

Amendment No. 1

On behalf of Representative Isett, Representative Coleman offered the following amendment to **SB 1330**:

Amend **SB 1330** on 3rd Reading as follows:

(1) In SECTION 1 of the bill, in added Section 161.0052(b), Health and Safety Code (Committee printing page 1, line 20), between "vaccine," and "the" insert "and if the person's physician determines that the vaccine is in the person's best interest,".

(2) In SECTION 1 of the bill, in added Section 161.0052(c), Health and Safety Code (Committee printing page 2, line 4), between "facility" and the period, insert "and whose physician determines that the vaccine is in the person's best interest".

(Speaker in the chair)

Amendment No. 2

Representative Coleman offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 by Isett to **SB 1330** on third reading as follows:

(1) On page 1, lines 4-5, strike "the person's physician" and substitute "a physician, or an advanced practice nurse practitioner or physician assistant on behalf of a physician,".

(2) On page 1, line 9, strike "and whose physician" and substitute "if a physician, or an advanced nurse practitioner or physician assistant on behalf of a physician,".

Amendment No. 2 was adopted.

Amendment No. 1, as amended, was adopted.

SB 1330, as amended, 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.)

SB 1787 ON THIRD READING
(Hilderbran and Oliveira - House Sponsors)

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

SB 1787 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.)

**GENERAL STATE CALENDAR
SENATE BILLS
SECOND READING**

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

**SB 56 ON SECOND READING
(Reyna - House Sponsor)**

SB 56, A bill to be entitled An Act relating to requiring notice before the amount of bail set in certain cases is reduced.

SB 56 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 121 ON SECOND READING
(Gattis - House Sponsor)**

SB 121, A bill to be entitled An Act relating to a requestor's right of access to investment information of governmental bodies.

SB 121 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 149 ON SECOND READING
(Giddings - House Sponsor)**

SB 149, A bill to be entitled An Act relating to the recording of certain aircraft repair and maintenance liens; providing a criminal penalty.

SB 149 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 316 ON SECOND READING
(Solis - House Sponsor)**

SB 316, A bill to be entitled An Act relating to information provided to parents of newborn children.

Amendment No. 1

Representative Solis offered the following amendment to **SB 316**:

Amend **SB 316** (house committee printing), in SECTION 1 of the bill, as follows:

(1) In Section 161.502(a), Health and Safety Code (page 3, line 17), strike "and".

(2) In Section 161.502(a), Health and Safety Code (page 3, line 18), between "(4)" and "coordinate", insert "make the pamphlet required by Section 161.501 available for distribution to hospitals, physicians, birthing centers, nurse-midwives, and midwives; and
(5)".

Amendment No. 1 was adopted.

SB 316, 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.)

SB 334 ON SECOND READING

(B. Keffer - House Sponsor)

SB 334, A bill to be entitled An Act relating to the remedy provided for failure to disclose certain information in certain residential construction transactions.

SB 334 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE THOMPSON: Mr. Van Arsdale, what kind of cases that are presently pending, if this bill passes and becomes law, will this impact?

REPRESENTATIVE VAN ARSDALE: I'm not sure all what cases are on file, but the only thing this bill would change is if you have a pending claim on a penalty, and you have not proved any damages—it would change your claim.

THOMPSON: If you've have not proven any damages?

VAN ARSDALE: That's right. If you got proven damages then it would not change your claim at all.

THOMPSON: Now, what about if this bill passes, and your case has not come for a hearing?

VAN ARSDALE: You still have the opportunity to prove damages.

THOMPSON: Okay.

VAN ARSDALE: But if you can't prove damages then you would not be able to get the penalty, if this bill passes.

THOMPSON: Okay.

REMARKS ORDERED PRINTED

Representative Thompson moved to print remarks between Representative Van Arsdale and Representative Thompson.

The motion prevailed.

A record vote was requested.

SB 334 failed to pass to third reading by (Record 695): 64 Yeas, 70 Nays, 2 Present, not voting. (The vote was reconsidered later today, and **SB 334** was amended and was passed to third reading by Record No. 696.)

Yeas — Allen, R.; Anderson; Baxter; Berman; Blake; Bohac; Bonnen; Brown, B.; Callegari; Campbell; Cook, R.; Corte; Crownover; Dawson; Delisi; Denny; Driver; Eissler; Farabee; Flynn; Gattis; Goolsby; Hamilton; Hardcastle; Harper-Brown; Hegar; Hilderbran; Hill; Homer; Hope; Howard; Hupp; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; Krusee; Laney; Laubenberg; Madden; McCall; Miller; Morrison; Mowery; Nixon; Orr; Otto; Paxton; Phillips; Reyna; Riddle; Rose; Smith, W.; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Alonzo; Anchia; Branch; Burnam; Casteel; Castro; Chavez; Chisum; Coleman; Cook, B.; Crabb; Davis, J.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Escobar; Flores; Frost; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Griggs; Guillen; Haggerty; Hamric; Herrero; Hochberg; Hopson; Hughes; Hunter; Jones, J.; King, T.; Kuempel; Leibowitz; Luna; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Moreno, P.; Naishtat; Noriega, M.; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Seaman; Smith, T.; Smithee; Solis; Strama; Straus; Thompson; Turner; Uresti; Veasey; Villarreal; Vo.

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

Absent, Excused — Bailey; Hodge; Martinez; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Brown, F.; Farrar; Goodman; Grusendorf; Isett; Ritter; Solomons.

STATEMENTS OF VOTE

I was shown voting no on Record No. 695. I intended to vote yes.

Crabb

I was shown voting no on Record No. 695. I intended to vote yes.

Hopson

SB 335 ON SECOND READING (Hartnett - House Sponsor)

SB 335, A bill to be entitled An Act relating to the recording of electronic documents.

SB 335 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 485 ON SECOND READING
(Bonnen - House Sponsor)

SB 485, A bill to be entitled An Act relating to the regulation of underground and aboveground storage tanks.

SB 485 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, Farrar, Herrero, Leibowitz, and Solis recorded voting no.)

CSSB 522 ON SECOND READING
(Eiland - House Sponsor)

CSSB 522, A bill to be entitled An Act relating to the Texas Emergency Services Retirement System; providing an administrative penalty.

CSSB 522 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 1311 ON SECOND READING
(Hilderbran - House Sponsor)

SB 1311, A bill to be entitled An Act relating to the establishment of an off-highway vehicle trail and recreational area program; providing a penalty.

SB 1311 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 810 ON SECOND READING
(Flores and Homer - House Sponsors)

CSSB 810, A bill to be entitled An Act relating to the regulation of the sale and inspection of real estate.

PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR

Representative Edwards moved to set a congratulatory and memorial calendar for 9 a.m. Friday, May 20.

The motion prevailed.

CSSB 810 - (consideration continued)

Amendment No. 1

Representative Pickett offered the following amendment to **CSSB 810**:

Amend **CSSB 810** (House committee printing) as follows:

(1) Strike SECTION 7 of the bill (page 4, lines 5-9) and substitute the following:

SECTION 7. Section 1101.557, Occupations Code, is amended to read as follows:

Sec. 1101.557. ACTING AS AGENT; REGULATION OF CERTAIN TRANSACTIONS. (a) A broker ~~[license holder]~~ who represents a party in a real estate transaction or who lists real estate for sale under an exclusive agreement for a party is ~~[acts as]~~ that party's agent.

(b) A broker described by Subsection (a):

(1) may not instruct another broker to directly or indirectly violate Section 1101.652(b)(22); and

(2) must inform the party if the broker receives material information related to a transaction to list, buy, sell, or lease the party's real estate, including the receipt of an offer by the broker.

(c) For the purposes of this section:

(1) a license holder who has the authority to bind a party to a lease or sale under a power of attorney or a property management agreement is also a party to the lease or sale;

(2) an inquiry to a person described by Section 1101.005(6) about contract terms or forms required by the person's employer does not violate Section 1101.652(b)(22) if the person does not have the authority to bind the employer to the contract; and

(3) the sole delivery of an offer to a party does not violate Section 1101.652(b)(22) if:

(A) the party's broker consents to the delivery;

(B) a copy of the offer is sent to the party's broker, unless a governmental agency using a sealed bid process does not allow a copy to be sent; and

(C) the person delivering the offer does not engage in another activity that directly or indirectly violates Section 1101.652(b)(22).

(2) In SECTION 11 of the bill, in added Section 1102.1035, Occupations Code (page 6, line 22), immediately after "officers", insert "or employees".

(3) In SECTION 11 of the bill, in added Section 1102.1035, Occupations Code (page 6, line 25), immediately after "managers", insert "or employees".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Keel offered the following amendment to **CSSB 810**:

Amend **CSSB 810** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.014 to read as follows:

Sec. 5.014. PROHIBITED FEES. A person who has a right of first refusal in real property may not charge a fee for declining to exercise that right, such as a fee for providing written evidence of the declination.

SECTION _____. Except as provided by a contract entered into before the effective date of this Act, Section 5.014, Property Code, as added by this Act, applies only to a fee that is solicited on or after the effective date of this Act for declining the exercise of a right of first refusal.

Amendment No. 2 was adopted.

CSSB 810, 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: Chisum and Harper-Brown recorded voting no.)

HR 1746 - ADOPTED
(by Veasey)

Representative Keel moved to suspend all necessary rules to take up and consider at this time **HR 1746**.

The motion prevailed.

The following resolution was laid before the house:

HR 1746, Honoring Leondas Rambo, assistant basketball coach at Dunbar High School.

HR 1746 was adopted.

HR 1797 - ADOPTED
(by Bonnen)

Representative Keel moved to suspend all necessary rules to take up and consider at this time **HR 1797**.

The motion prevailed.

The following resolution was laid before the house:

HR 1797, Honoring John Phillips Gayle, Jr., of West Columbia on his 80th birthday.

HR 1797 was adopted.

HCR 206 - ADOPTED
(by Thompson)

Representative Keel moved to suspend all necessary rules to take up and consider at this time **HCR 206**.

The motion prevailed.

The following resolution was laid before the house:

HCR 206, Congratulating the Houston Lawyers Association on their 50th Anniversary.

HCR 206 was adopted.

HR 1702 - ADOPTED
(by Veasey)

Representative Keel moved to suspend all necessary rules to take up and consider at this time **HR 1702**.

The motion prevailed.

The following resolution was laid before the house:

HR 1702, Honoring Coach Robert Hughes of Dunbar High School in Fort Worth on his retirement.

HR 1702 was adopted.

SB 334 - VOTE RECONSIDERED

Representative Chisum moved to reconsider the vote by which **SB 334** failed to pass to third reading.

The motion to reconsider prevailed.

SB 334 ON SECOND READING
(B. Keffer - House Sponsor)

SB 334, A bill to be entitled An Act relating to the remedy provided for failure to disclose certain information in certain residential construction transactions.

(Krusee in the chair)

Amendment No. 1

Representatives Smithee, Eiland, Hughes, and Deshotel offered the following amendment to **SB 334**:

Amend **SB 334** by striking Section 2 of the bill and substituting the following:

SECTION 2. Section 27.007, Property Code, as amended by this Act, applies only to a cause of action that is brought on or after the effective date of this Act.

Representative B. Keffer moved to table Amendment No. 1.

The motion to table was lost.

Amendment No. 1 was adopted.

A record vote was requested.

SB 334, as amended, was passed to third reading by (Record 696): 105 Yeas, 26 Nays, 3 Present, not voting.

Yeas — Allen, R.; Alonzo; Baxter; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chisum; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Driver; Dunnam; Edwards; Eiland; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Goodman; Griggs; Grusendorf; Guillen; 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.; Kuempel; Laney; Laubenberg; Luna; Madden; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Orr; Otto; Paxton; Phillips; Pickett; Raymond; Reyna; Riddle; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Swinford; Talton; Taylor; Van Arsdale; Veasey; Villarreal; West; Wong; Woolley; Zedler.

Nays — Allen, A.; Anchia; Castro; Chavez; Deshotel; Dukes; Dutton; Escobar; Farrar; Flores; Frost; Giddings; Gonzales; Herrero; Hochberg; Leibowitz; McClendon; Moreno, P.; Olivo; Puente; Quintanilla; Solis; Thompson; Turner; Uresti; Vo.

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

Absent, Excused — Bailey; Hodge; Martinez; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Anderson; Crownover; Gallego; Gonzalez Toureilles; Goolsby; Jones, J.; Ritter; Straus; Truitt.

STATEMENTS OF VOTE

I was shown voting no on Record No. 696. I intended to vote yes.

Anchia

When Record No. 696 was taken, I was in the house but away from my desk. I would have voted yes.

Anderson

I was shown voting no on Record No. 696. I intended to vote yes.

Gonzales

When Record No. 696 was taken, I was temporarily out of the house chamber. I would have voted no.

Gonzalez Toureilles

When Record No. 696 was taken, I was temporarily out of the house chamber. I would have voted yes.

Truitt

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).

(Speaker in the chair)

HB 2565 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2565, A bill to be entitled An Act relating to prohibiting rebates regarding certain insurance coverage.

Representative Eiland moved to concur in the senate amendments to **HB 2565**.

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 Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 2565** (Senate committee printing) by striking SECTION 2 of the bill (page 1, lines 33-42) and substituting the following:

SECTION 2. Article 5.20, Insurance Code, is amended by amending Subsections (a) and (d) to read as follows:

(a) Except as provided by this article, no insurer or employee thereof, and no broker or agent shall knowingly issue any policy of insurance nor charge, demand or receive a premium thereon except in accordance with the applicable filing [~~which has been approved by the commissioner~~]. No insurer or employee thereof, and no broker or agent shall pay, allow or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit or reduction of the premium named in a policy of insurance, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any valuable consideration or inducement whatever, not specified in the policy of insurance, except to the extent provided for in such applicable filing. No insured named in a policy of insurance, nor any employee of such insured shall knowingly receive or accept, directly or indirectly, any such rebate, discount, abatements, or reduction of premium, or any special favor or advantage or valuable consideration or inducement.

(d) As used in this article:

(1) "Insurance" [the word "insurance"] includes suretyship.

(2) "Insurer" means an insurance company or other legal entity described by Subsection (a), Article 5.13, of this code.

(3) "Policy" [~~and the word "policy"~~] includes a bond.

Senate Amendment No. 2 (Senate Floor Amendment No. 2)

Amend **HB 2565** (Senate committee printing) by adding an appropriately numbered SECTION of the bill to read as follows and renumbering the existing SECTIONS of the bill accordingly:

SECTION _____. Section 2502.055, Insurance Code, is amended as follows:

Sec. 2502.055. ~~CERTAIN PROMOTIONAL AND EDUCATIONAL ACTIVITIES NOT REBATES NOT PROHIBITED~~. (a) The activities described in this section are not rebates. Nothing in this subchapter prohibits a title insurance company or a title insurance agent from: ~~This subchapter does not prohibit~~

(1) engaging in legal promotional and educational activities that are not conditioned on the referral of title insurance business;

(2) purchasing advertising promoting the title insurance company or the title insurance agent at market rates from any person in any publication, event, or media;

(3) delivering to a party in the transaction or the party's representative legal documents or funds which are directly or indirectly related to a transaction closed by the title insurance company or title insurance agent; or

(4) participating in an association of attorneys, builders, developers, realtors, or other real estate practitioners provided that the level of such participation does not exceed normal participation of a volunteer member of the association and is not activity that would ordinarily be performed by paid staff of an association.

(b) "Market rate" means the price at which a seller, under no obligation or duress to sell, is willing to accept and a buyer, under no obligation or duress to buy, is willing to pay in an arms-length transaction. The market rate is determined by comparing the rights or items purchased or sold to similar rights or items that have been recently purchased by others or sold to others including others not in title insurance business.

HB 2892 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 2892, A bill to be entitled An Act relating to conditions of employment for firefighters employed by certain municipalities.

Representative Luna moved to concur in the senate amendments to **HB 2892**.

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 2892, A bill to be entitle An Act relating to conditions of employment for firefighters employed by certain municipalities.

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

SECTION 1. Chapter 142, Local Government Code, is amended by designating Sections 142.001-142.013 as Subchapter A and adding a heading for Subchapter A to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 2. Chapter 142, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. LOCAL CONTROL OF FIREFIGHTER EMPLOYMENT MATTERS IN CERTAIN MUNICIPALITIES

Sec. 142.101. APPLICABILITY. (a) Except as provided by Subsection (b), this subchapter applies only to a municipality:

(1) with a population of 50,000 or more; or

(2) that has adopted Chapter 143.

(b) This subchapter does not apply to a municipality that:

(1) has adopted Chapter 174;

(2) is covered by Subchapter H, I, or J, Chapter 143; or

(3) has a population of one million or more and has not adopted Chapter 143.

Sec. 142.102. DEFINITIONS. In this subchapter:

(1) "Firefighter" means a person who is defined as fire protection personnel under Section 419.021, Government Code, and who is employed by a municipality.

(2) "Firefighters association" means an employee organization in which firefighters employed by a municipality participate that exists for the purpose, in whole or in part, of dealing with the municipality or public employer concerning grievances, labor disputes, wages, rates of pay, hours of work, or conditions of work affecting firefighters.

(3) "Public employer" means a municipality or the fire department of the municipality that is required to establish the wages, salaries, rates of pay, hours of work, working conditions, and other terms and conditions of employment of firefighters employed by the municipality.

Sec. 142.103. PETITION FOR RECOGNITION: ELECTION OR ACTION BY GOVERNING BODY. (a) Not later than the 30th day after the date the governing body of a municipality receives from a firefighters association a petition signed by the majority of all firefighters, excluding the head of the fire department for the municipality and excluding the employees exempt under Section 142.108(b), that requests recognition of the association as the sole and exclusive bargaining agent for all the firefighters employed by the municipality, excluding the head of the fire department for the municipality and excluding the exempt employees, the governing body shall:

(1) grant recognition of the association as requested in the petition and determine by majority vote regarding whether a public employer may meet and confer under this subchapter without conducting an election by the voters in the municipality under Section 142.105;

(2) defer granting recognition of the association and order an election by the voters in the municipality under Section 142.105 regarding whether a public employer may meet and confer under this subchapter; or

(3) order a certification election under Section 142.104 to determine whether the association represents a majority of the affected firefighters.

(b) If the governing body of a municipality orders a certification election under Subsection (a)(3) and the association named in the petition is certified to represent a majority of the affected firefighters of the municipality, the governing body shall, not later than the 30th day after the date that results of that election are certified:

(1) grant recognition of the association as requested in the petition for recognition and determine by majority vote that a public employer may meet and confer under this subchapter without conducting an election by the voters in the municipality under Section 142.105; or

(2) defer granting recognition of the association and order an election by the voters in the municipality under Section 142.105 regarding whether a public employer may meet and confer under this subchapter.

Sec. 142.104. CERTIFICATION ELECTION. (a) Except as provided by Subsection (b), a certification election ordered under Section 142.103(a)(3) to determine whether a firefighters association represents a majority of the covered firefighters shall be conducted according to procedures agreeable to the parties.

(b) If the parties are unable to agree on procedures for the certification election, either party may request the American Arbitration Association to conduct the election and to certify the results of the election.

(c) Certification of the results of an election under this section resolves the question concerning representation.

(d) The association is liable for the expenses of the certification election, except that if two or more associations seeking recognition as the sole and exclusive bargaining agent submit a petition signed by at least 30 percent of the firefighters eligible to sign the petition for recognition, all the associations named in any petition shall share equally the costs of the election.

Sec. 142.105. ELECTION TO AUTHORIZE OPERATING UNDER THIS SUBCHAPTER. (a) The governing body of a municipality that receives a petition for recognition under Section 142.103 may order an election to determine whether a public employer may meet and confer under this subchapter.

(b) An election ordered under this section must be held as part of the next regularly scheduled general election for municipal officials that is held after the date the governing body of the municipality orders the election and that allows sufficient time to prepare the ballot in compliance with other requirements of law.

(c) The ballot for an election ordered under this section shall be printed to allow voting for or against the proposition: "Authorizing _____ (name of the municipality) to operate under the state law allowing a municipality to meet and confer and make agreements with the association representing municipal firefighters as provided by state law, preserving the prohibition against strikes and organized work stoppages, and providing penalties for strikes and organized work stoppages."

(d) An election called under this section must be held and the returns prepared and canvassed in conformity with the Election Code.

(e) If an election authorized under this section is held, the municipality may operate under the other provisions of this subchapter only if a majority of the votes cast at the election favor the proposition.

(f) If an election authorized under this section is held, an association may not submit a petition for recognition to the governing body of the municipality under Section 142.103 before the second anniversary of the date of the election.

Sec. 142.106. CHANGE OR MODIFICATION OF RECOGNITION. (a) The firefighters may modify or change the recognition of the association granted under this subchapter by filing with the governing body of the municipality a petition signed by a majority of all covered firefighters.

(b) The governing body of the municipality may:

(1) recognize the change or modification as provided by the petition; or

(2) order a certification election in accordance with Section 142.104 regarding whether to do so.

Sec. 142.107. STRIKES PROHIBITED. (a) A firefighter employed by a municipality may not engage in a strike or organized work stoppage against this state or the municipality.

(b) A firefighter who participates in a strike forfeits any civil service rights, reemployment rights, and other rights, benefits, or privileges the firefighter may have as a result of the person's employment or prior employment with the municipality.

(c) This section does not affect the right of a person to cease work if the person is not acting in concert with others in an organized work stoppage.

Sec. 142.108. RECOGNITION OF FIREFIGHTERS ASSOCIATION. (a) A public employer in a municipality that chooses to meet and confer under this subchapter shall recognize an association that is recognized under Section 142.103 or 142.104 as the sole and exclusive bargaining agent for the covered firefighters described in the petition for recognition, excluding the head of the fire department and excluding the employees exempt under Subsection (b), in accordance with this subchapter and the petition.

(b) For the purposes of Subsection (a), exempt employees are the employees appointed by the head of the fire department of the municipality under Section 143.014 or that are exempt by the mutual agreement of the recognized firefighters association and the public employer.

(c) The public employer shall recognize the firefighters association until recognition of the association is withdrawn, in accordance with Section 142.106, by a majority of the firefighters eligible to sign a petition for recognition.

Sec. 142.109. GENERAL PROVISIONS RELATING TO AGREEMENTS. (a) A municipality acting under this subchapter may not be denied local control over the wages, salaries, rates of pay, hours of work, or other terms and conditions of employment to the extent the public employer and the firefighters association recognized as the sole and exclusive bargaining agent under this subchapter agree as provided by this subchapter, if the agreement is ratified and not withdrawn in accordance with this subchapter. Applicable statutes and applicable local orders, ordinances, and civil service rules apply to an issue not governed by the meet and confer agreement.

(b) A meet and confer agreement under this subchapter must be written.

(c) This subchapter does not require a public employer or a recognized firefighters association to meet and confer on any issue or reach an agreement.

(d) A public employer and the recognized firefighters association may meet and confer only if the association does not advocate an illegal strike by public employees.

(e) While a meet and confer agreement under this subchapter between the public employer and the recognized firefighters association is in effect, the public employer may not accept a petition, with regard to the firefighters of the municipality requesting an election to adopt:

(1) municipal civil service under Chapter 143; or

(2) collective bargaining under Chapter 174.

Sec. 142.110. SELECTION OF BARGAINING AGENT; BARGAINING UNIT. (a) The public employer's chief executive officer or the chief executive officer's designee shall select one or more persons to represent the public employer as its sole and exclusive bargaining agent to meet and confer on issues related to the wages, hours of employment, and other terms and conditions of employment of firefighters by the municipality.

(b) A firefighters association may designate one or more persons to negotiate or bargain on the association's behalf.

(c) A municipality's bargaining unit is composed of all the firefighters of the municipality who are not the head of the fire department or exempt under Section 142.108(b).

Sec. 142.111. PROTECTED RIGHTS OF FIREFIGHTER. (a) For any disciplinary appeal, a member of the municipality's bargaining unit may be represented by the firefighters association or by any person the member selects.

(b) A meet and confer agreement ratified under this subchapter may not interfere with the right of a member of a bargaining unit to pursue allegations of discrimination based on race, creed, color, national origin, religion, age, sex, or disability with the Texas Workforce Commission civil rights division or the federal Equal Employment Opportunity Commission or to pursue affirmative action litigation.

Sec. 142.112. OPEN RECORDS. (a) A proposed meet and confer agreement and a document prepared and used by the municipality, including a public employer, in connection with the proposed agreement are available to the public under Chapter 552, Government Code, only after the agreement is ready to be ratified by the governing body of the municipality.

(b) This section does not affect the application of Subchapter C, Chapter 552, Government Code, to a document prepared and used in connection with the agreement.

Sec. 142.113. OPEN DELIBERATIONS. (a) A deliberation relating to meeting and conferring between a public employer and a firefighters association, a deliberation relating to an agreement or proposed agreement under this subchapter by a quorum of a firefighters association authorized to meet and confer, or a deliberation by a quorum of the sole and exclusive bargaining agent of the public employer authorized to meet and confer must be open to the public and comply with state law.

(b) Subsection (a) may not be construed to prohibit the representative of the public employer or the representatives of the firefighters association from conducting private caucuses that are not open to the public during meet and confer negotiations.

Sec. 142.114. RATIFICATION AND ENFORCEABILITY OF AGREEMENT. (a) An agreement under this subchapter is enforceable and binding on the public employer, the recognized firefighters association, and the firefighters covered by the meet and confer agreement only if:

(1) the governing body of the municipality ratified the agreement by a majority vote; and

(2) the recognized firefighters association ratified the agreement by conducting a secret ballot election at which only the firefighters of the municipality in the association were eligible to vote, and a majority of the votes cast at the election favored ratifying the agreement.

(b) A meet and confer agreement ratified as described by Subsection (a) may establish a procedure by which the parties agree to resolve disputes related to a right, duty, or obligation provided by the agreement, including binding arbitration on a question involving interpretation of the agreement.

(c) A state district court of a judicial district in which the municipality is located has jurisdiction to hear and resolve a dispute under the ratified meet and confer agreement on the application of a party to the agreement aggrieved by an action or omission of the other party when the action or omission is related to a right, duty, or obligation provided by the agreement. The court may issue proper restraining orders, temporary and permanent injunctions, or any other writ, order, or process, including contempt orders, that are appropriate to enforcing the agreement.

Sec. 142.115. ACTION OR ELECTION TO REPEAL AUTHORIZATION TO OPERATE UNDER THIS SUBCHAPTER. (a) The governing body of a municipality that granted recognition of a firefighters association under Section 142.103 without conducting an election under Section 142.105 may withdraw recognition of the association by providing to the association not less than 90 days' written notice that:

(1) the governing body is withdrawing recognition of the association;
and

(2) any agreement between the governing body and the association will not be renewed.

(b) The governing body of a municipality that granted recognition of a firefighters association after conducting an election under Section 142.105 may order an election to determine whether a public employer may continue to meet and confer under this subchapter. The governing body may not order an election under this subsection until the second anniversary of the date of the election under Section 142.105.

(c) An election ordered under Subsection (b) must be held as part of the next regularly scheduled general election for municipal officers that occurs after the date the governing body of the municipality orders the election and that allows sufficient time to prepare the ballot in compliance with other requirements of law.

(d) The ballot for an election ordered under Subsection (b) shall be printed to allow voting for or against the proposition: "Authorizing _____ (name of municipality) to continue to operate under the state law allowing a municipality to meet and confer and make agreements with the association representing municipal firefighters as provided by state law, preserving the prohibition against strikes and organized work stoppages, and providing penalties for strikes and organized work stoppages."

(e) An election ordered under Subsection (b) must be held and the returns prepared and canvassed in conformity with the Election Code.

(f) If an election ordered under Subsection (b) is held, the municipality may continue to operate under this subchapter only if a majority of the votes cast at the election favor the proposition.

(g) If an election ordered under Subsection (b) is held, an association may not submit a petition for recognition to the governing body of the municipality under Section 142.103 before the second anniversary of the date of the election.

Sec. 142.116. ELECTION TO REPEAL AGREEMENT. (a) Not later than the 60th day after the date a meet and confer agreement is ratified by the governing body of the municipality and the recognized firefighters association, a petition calling for the repeal of the agreement signed by a number of registered voters residing in the municipality equal to at least 10 percent of the votes cast at the most recent general election held in the municipality may be presented to the person charged with ordering an election under Section 3.004, Election Code.

(b) If a petition is presented under Subsection (a), the governing body of the municipality shall:

(1) repeal the meet and confer agreement; or

(2) certify that it is not repealing the agreement and call an election to determine whether to repeal the agreement.

(c) An election called under Subsection (b)(2) may be held as part of the next regularly scheduled general election for the municipality. The ballot shall be printed to provide for voting for or against the proposition: "Repeal the meet and confer agreement ratified on _____ (date agreement was ratified) by the _____ (name of the governing body of the municipality) and the firefighters employed by the City of _____ (name of municipality) concerning wages, salaries, rates of pay, hours of work, and other terms of employment."

(d) If a majority of the votes cast at the election favor the repeal of the agreement, the agreement is void.

Sec. 142.117. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS. A written meet and confer agreement ratified under this subchapter preempts, during the term of the agreement and to the extent of any conflict, all contrary state statutes, local ordinances, executive orders, civil service provisions, or rules adopted by the head of the fire department or municipality or by a division or agent of the municipality, such as a personnel board or a civil service commission.

Sec. 142.118. PREEMPTION OF OTHER LAW. (a) This subchapter preempts all contrary local ordinances, executive orders, legislation, or rules adopted by a municipality.

(b) Section 617.002, Government Code, does not apply to an agreement made or an action taken under this subchapter.

Sec. 142.119. EFFECT ON EXISTING BENEFITS. This subchapter may not be construed as repealing any existing benefit provided by statute or ordinance concerning firefighters' compensation, pensions, retirement plans, hours of work, conditions of employment, or other emoluments, except as expressly provided in a ratified meet and confer agreement. This subchapter is in addition to the benefits provided by existing statutes and ordinances.

SECTION 3. This Act takes effect September 1, 2005.

**HB 755 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 755, A bill to be entitled An Act relating to procedures relating to the doctrine of forum non conveniens in a civil cause of action.

Representative Gattis moved to concur in the senate amendments to **HB 755**.

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 755, An bill to be entitled An Act relating to procedures relating to the doctrine of forum non conveniens in a civil cause of action.

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

SECTION 1. Subsections (b) and (f), Section 71.051, Civil Practice and Remedies Code, are amended to read as follows:

(b) If a court of this state, on written motion of a party, finds that in the interest of justice and for the convenience of the parties a claim or action to which this section applies would be more properly heard in a forum outside this state, the court shall decline to exercise jurisdiction under the doctrine of forum non conveniens and shall stay or dismiss the claim or action. In determining whether to grant a motion to stay or dismiss an action under the doctrine of forum non conveniens, the court shall ~~may~~ consider whether:

(1) an alternate forum exists in which the claim or action may be tried;

(2) the alternate forum provides an adequate remedy;

(3) maintenance of the claim or action in the courts of this state would work a substantial injustice to the moving party;

(4) the alternate forum, as a result of the submission of the parties or otherwise, can exercise jurisdiction over all the defendants properly joined to the plaintiff's claim;

(5) the balance of the private interests of the parties and the public interest of the state predominate in favor of the claim or action being brought in an alternate forum, which shall include consideration of the extent to which an injury or death resulted from acts or omissions that occurred in this state; and

(6) the stay or dismissal would not result in unreasonable duplication or proliferation of litigation.

(f) A court that grants a motion to stay or dismiss an action under the doctrine of forum non conveniens shall set forth specific findings of fact and conclusions of law ~~may not stay or dismiss a claim or action pursuant to Subsection (b) if a party opposing the motion under Subsection (b) alleges and makes a prima facie showing that an act or omission that was a proximate or producing cause of the injury or death occurred in this state. The prima facie~~

~~showing need not be made by a preponderance of the evidence and shall be deemed to be satisfied if the party produces credible evidence in support of the pleading, which evidence need not be in admissible form and may include affidavits, deposition testimony, discovery responses, or other verified evidence].~~

SECTION 2. This Act applies only to an action filed on or after the effective date of this Act. An action filed before the effective date of this Act, including an action filed before that date in which a party is joined or designated after that date, is governed by the law in effect immediately before the change in law made by this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2005.

**HB 836 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 836, A bill to be entitled An Act relating to certain requirements concerning the filling of a prescription.

Representative Gattis 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 836**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 836**: Gattis, chair; Van Arsdale; Hopson; Paxton; and Rose.

**HB 951 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 951, A bill to be entitled An Act relating to construction affecting pipeline easements and rights-of-way.

Representative West moved to concur in the senate amendments to **HB 951**.

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

Amend **HB 951** (House engrossment) as follows:

(1) Insert the following appropriately numbered SECTIONS and renumber SECTIONS of the bill appropriately:

SECTION __. Subsection (a), Section 117.101, Natural Resources Code, is amended to read as follows:

(a) Except as otherwise provided by this subchapter, this [This] chapter may not be construed to reduce, limit, or impair the authority provided by law to any city.

SECTION __. Subchapter D, Chapter 117, Natural Resources Code, is amended by adding Section 117.102 to read as follows:

Sec. 117.102. AUTHORITY OF CITY TO ASSESS CHARGES.

(a) Except as otherwise provided by this section, a city may not assess a charge for the placement, construction, maintenance, repair, replacement, operation, use, relocation, or removal of a hazardous liquid or carbon dioxide pipeline facility on, along, or across a public road, highway, street, alley, stream, canal, or other public way.

(b) A city may:

(1) assess a reasonable annual charge for the placement, construction, maintenance, repair, replacement, operation, use, relocation, or removal by an owner or operator of a hazardous liquid or carbon dioxide pipeline facility on, along, or across the public roads, highways, streets, alleys, streams, canals, or other public ways located within the city and maintained by the city; and

(2) recover the reasonable cost of repairing damage to a public road, highway, street, alley, stream, canal, or other public way located within the city and maintained by the city that is caused by the placement, construction, maintenance, repair, replacement, operation, use, relocation, or removal of a hazardous liquid or carbon dioxide pipeline facility if the owner or operator of the facility does not repair the damage in accordance with generally applicable paving standards or other applicable standards in the city.

(c) A charge authorized by Subsection (b)(1) may not exceed the cost to the city of administering, supervising, inspecting, and otherwise regulating the location of the pipeline facility, including maintaining records and maps of the location of the pipeline facility.

(d) The owner or operator of a pipeline facility may appeal the assessment of a charge under Subsection (b)(1) to the commission. The commission shall hear the appeal de novo. Unless the city that assessed the charge establishes that the charge is authorized by this section, the commission shall declare the charge invalid or reduce the charge to an amount authorized by this section. The commission has exclusive jurisdiction to determine whether a charge under Subsection (b)(1) is authorized by this section. The owner or operator of the pipeline facility and the city shall share equally the costs incurred by the commission in connection with the appeal.

(e) A city must file suit to collect a charge authorized by Subsection (b)(1) not later than the fourth anniversary of the date the charge becomes due. The running of the limitations period under this subsection is tolled on the filing of an appeal of the charge under Subsection (d) and begins running again on the date the appeal is determined.

(f) This section may not be construed to prevent a city from:

(1) recovering the reasonable cost of repairing damage to a city facility, other than a public way, caused by acts of the owner or operator of a pipeline facility; or

(2) requiring the owner or operator of a pipeline facility to relocate the pipeline facility, at the owner's or operator's expense, to permit the construction, maintenance, modification, or alteration of a city facility.

(g) Notwithstanding Subsection (f)(2), the city shall pay the cost of relocating a pipeline facility if the pipeline facility is authorized by a property right that has priority over the city's right to use the public way for the city facility.

SECTION __. Subsection (b), Section 121.202, Utilities Code, is amended to read as follows:

(b) Except as provided by Subsection (a) and by Section 121.2025, this subchapter does not reduce, limit, or impair:

(1) a power vested by law in:

(A) a county in relation to a county road; or

(B) a municipality; or

(2) the ability of a municipality to:

(A) adopt an ordinance that establishes conditions for mapping, inventorying, locating [~~installing~~], or relocating pipelines over, under, along, or across a public street or alley or private residential area in the boundaries of the municipality; or

(B) establish conditions for mapping or taking an inventory in an area in a municipality's extraterritorial jurisdiction.

SECTION __. Subchapter E, Chapter 121, Utilities Code, is amended by adding Section 121.2025 to read as follows:

Sec. 121.2025. AUTHORITY OF MUNICIPALITY TO ASSESS CHARGES. (a) Except as otherwise provided by this section or Section 182.025, Tax Code, a municipality may not assess a charge for the placement, construction, maintenance, repair, replacement, operation, use, relocation, or removal of a gas pipeline facility on, along, or across a public road, highway, street, alley, stream, canal, or other public way.

(b) A municipality may:

(1) assess a reasonable annual charge for the placement, construction, maintenance, repair, replacement, operation, use, relocation, or removal by an owner or operator of a gas pipeline facility on, along, or across the public roads, highways, streets, alleys, streams, canals, or other public ways located within the municipality and maintained by the municipality; and

(2) recover the reasonable cost of repairing damage to a public road, highway, street, alley, stream, canal, or other public way located within the municipality and maintained by the municipality that is caused by the placement, construction, maintenance, repair, replacement, operation, use, relocation, or removal of a gas pipeline facility if the owner or operator of the facility does not repair the damage in accordance with generally applicable paving standards or other applicable standards in the municipality.

(c) A charge authorized by Subsection (b)(1) may not exceed the cost to the municipality of administering, supervising, inspecting, and otherwise regulating the location of the gas pipeline facility, including maintaining records and maps of the location of the pipeline facility.

(d) The owner or operator of a gas pipeline facility may appeal the assessment of a charge under Subsection (b)(1) to the railroad commission. The railroad commission shall hear the appeal de novo. Unless the municipality that assessed the charge establishes that the charge is authorized by this section, the railroad commission shall declare the charge invalid or reduce the charge to an amount authorized by this section. The railroad commission has exclusive jurisdiction to determine whether a charge under Subsection (b)(1) is authorized by this section. The owner or operator of the gas pipeline facility and the municipality shall share equally the costs incurred by the railroad commission in connection with the appeal.

(e) A municipality must file suit to collect a charge authorized by Subsection (b)(1) not later than the fourth anniversary of the date the charge becomes due. The running of the limitations period under this subsection is tolled on the filing of an appeal of the charge under Subsection (d) and begins running again on the date the appeal is determined.

(f) This section may not be construed to prevent a municipality from:

(1) recovering the reasonable cost of repairing damage to a municipal facility, other than a public way, caused by acts of the owner or operator of a gas pipeline facility; or

(2) requiring the owner or operator of a gas pipeline facility to relocate the pipeline facility, at the owner's or operator's expense, to permit the construction, maintenance, modification, or alteration of a municipal facility.

(g) Notwithstanding Subsection (f)(2), the municipality shall pay the cost of relocating a gas pipeline facility if the pipeline facility is authorized by a property right that has priority over the municipality's right to use the public way for the municipal facility.

(2) Strike SECTION 5 of the bill (page 4, line 24, through page 5, line 1) and substitute the following:

SECTION 5. (a) Except as provided by this section, the change in law made by this Act applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

(b) Section 117.102, Natural Resources Code, and Section 121.2025, Utilities Code, as added by this Act, do not affect:

(1) the validity or enforceability of a contract entered into before the effective date of this Act by a municipality and the owner or operator of a hazardous liquid, carbon dioxide, or gas pipeline; or

(2) the enforceability of a charge assessed by a municipality before September 1, 2006, under an ordinance adopted on or before September 1, 2004.

(c) Section 117.102, Natural Resources Code, and Section 121.2025, Utilities Code, as added by this Act, apply to a charge assessed by a municipality on or after:

(1) the effective date of this Act under an ordinance adopted after September 1, 2004; and

(2) September 1, 2006, under an ordinance regardless of the date of adoption of the ordinance.

**HB 1077 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

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

HB 1077, A bill to be entitled An Act relating to the composition of certain courts of appeals districts and to the assignment and transfer of cases in certain courts of appeals districts.

Representative Crabb 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 1077**.

The motion prevailed.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1077**: Crabb, chair; R. Cook; Deshotel; P. King; and Talton.

**HB 282 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 282, A bill to be entitled An Act relating to the funding of alternative dispute resolution systems.

Representative Hope moved to concur in the senate amendments to **HB 282**.

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 Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **HB 282** (Senate committee printing) on third reading as follows:

(1) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION ____. Chapter 152, Civil Practice and Remedies Code, is amended by adding Section 152.006 to read as follows:

Sec. 152.006. FEE FOR ALTERNATIVE DISPUTE RESOLUTION CENTERS. An entity described by Section 152.002(b)(1) that provides services for the resolution of disputes in a county with a population of 250,000 or more but less than 290,000 may collect a reasonable fee in any amount set by the commissioners court from a person who receives the services. This section may not be construed to affect the collection of a fee by any other entity described by Section 152.002(b)(1).

(2) In SECTION 3 of the bill (page 1, line 37), strike "This Act applies" and substitute "(a) Sections 1 and 2 of this Act apply".

(3) In SECTION 3 of the bill (page 1, between lines 38 and 39), insert the following:

(b) Section ___ of this Act applies only to alternative dispute resolution services provided on or after the effective date of this Act. Any alternative dispute resolution services provided before the effective date of this Act are governed by the law in effect immediately before that time, and that law is continued in effect for that purpose.

**HB 340 - HOUSE CONCURS IN SENATE AMENDMENTS
TEXT OF SENATE AMENDMENTS**

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

HB 340, A bill to be entitled An Act relating to the authority of a navigation district to establish a volunteer police reserve force and to the state law enforcement authority of certain federal peace officers.

Representative Seaman moved to concur in the senate amendments to **HB 340**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 697): 136 Yeas, 0 Nays, 1 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, 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; Gonzales; Gonzalez Tourelles; Goodman; 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, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; 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.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Hodge; Martinez; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Cook, B.; Giddings; Goolsby; Jones, D.; Phillips; Ritter.

STATEMENT OF VOTE

When Record No. 697 was taken, I was in the house but away from my desk. I would have voted yes.

B. Cook

Senate Committee Substitute

CSHB 340, A bill to be entitled An Act relating to the authority of a navigation district to establish a volunteer police reserve force and to the state law enforcement authority of certain federal peace officers.

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

SECTION 1. Subchapter D, Chapter 60, Water Code, is amended by adding Section 60.0775 to read as follows:

Sec. 60.0775. POLICE RESERVE FORCE. (a) The commission of a district that has established a police force may establish a volunteer police reserve force.

(b) The commission shall establish qualifications and training standards for reserve force members.

(c) The commission may limit the size of the reserve force.

(d) The chief of the district police force shall appoint volunteers to serve as reserve force members. Members are not district employees and serve without pay and at the chief's discretion.

(e) The chief of police may call the reserve force into service at any time the chief considers it necessary to have additional officers to preserve the peace and enforce the law.

(f) A reserve force member who is not a peace officer as described by Article 2.12, Code of Criminal Procedure, may act as a peace officer only during the discharge of official duties.

(g) The commission must approve an appointment to the reserve force before the person appointed may carry a weapon or otherwise act as a peace officer. On approval of the appointment of a person who is not a peace officer as described by Article 2.12, Code of Criminal Procedure, the person appointed may carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer. On approval of the appointment of a person who is a peace officer as described by Article 2.12, Code of Criminal Procedure, the chief of police may:

(1) authorize the person appointed to carry a weapon or act as a peace officer at all times, regardless of whether the person is engaged in the discharge of official duties; or

(2) limit the person's authority to carry a weapon or act as a peace officer to only those times during which the person is engaged in the discharge of official duties.

(h) Reserve police officers may act only to supplement the district's regular police force and may not assume the full-time duties of regular police officers without complying with the requirements for regular police officers.

(i) A reserve police officer, regardless of whether the reserve police officer is a peace officer as described by Article 2.12, Code of Criminal Procedure, is not:

(1) eligible for participation in:

(A) a program provided by the commission that is normally considered a financial benefit of full-time employment; or

(B) a pension fund created by statute for the benefit of full-time paid peace officers; or

(2) exempt from Chapter 1702, Occupations Code.

SECTION 2. Section 1701.001(6), Occupations Code, is amended to read as follows:

(6) "Reserve law enforcement officer" means a person designated as a reserve law enforcement officer under Section 85.004, 86.012, or 341.012, Local Government Code, or Section 60.0775, Water Code.

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.

Senate Amendment No. 1 (Senate Floor Amendment No. 1)

Amend **CSHB 340** (Senate committee printing) as follows:

(1) In SECTION 1 of the bill, at the end of added Subsection (f), Section 60.0775, Water Code (page 1, line 32), insert the following:

A reserve force member who is a peace officer under that article must hold a permanent peace officer license issued under Chapter 1701, Occupations Code.

(2) In SECTION 1 of the bill, following added Subsection (i), Section 60.0775, Water Code (page 1, between lines 60 and 61), insert the following:

(j) After being appointed under this section, a reserve police officer must execute an oath and execute a bond in the amount of \$2,000 payable to the commission. The officer may not perform any duties under this section until the officer files the oath and bond with the commission's secretary.

HB 404 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS

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

HB 404, A bill to be entitled An Act relating to the membership of the Family and Protective Services Council.

Representative Villarreal moved to concur in the senate amendments to **HB 404**.

A record vote was requested.

The motion to concur in senate amendments prevailed by (Record 698): 128 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen, A.; 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; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gattis; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Hartnett; Hegar; Herrero; Hilderbran; Hill; Homer; Hope; Hopson; Hughes; Hunter; Hupp; Isett; Jackson; Jones, D.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miller; Moreno, P.; Morrison; Mowery; Naishtat; Nixon; Noriega, M.; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Rodriguez; Rose; Smith, T.; Smithee; Solis; Solomons; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Hodge; Martinez; Oliveira.

Absent, Excused, Committee Meeting — Kolkhorst; Pitts.

Absent — Allen, R.; Gallego; Geren; Giddings; Harper-Brown; Hochberg; Howard; Jones, J.; McReynolds; Ritter; Seaman; Smith, W.; Strama; Straus.

STATEMENT OF VOTE

When Record No. 698 was taken, my vote failed to register. I would have voted yes.

Harper-Brown

Senate Committee Substitute

CSHB 404, A bill to be entitled An Act relating to the membership of the Family and Protective Services Council.

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

SECTION 1. Section 40.021, Human Resources Code, is amended by adding Subsection (g) to read as follows:

(g) One of the members of the council under Subsection (b) must be a person who was a child in the foster care system. If after conducting a search, the governor determines that no qualified individual under this subsection is available, the governor may appoint another person qualified under Subsection (b).

SECTION 2. (a) The change in law made by this Act to Section 40.021, Human Resources Code, relating to the qualifications of members of the Family and Protective Services Council does not affect the entitlement of a member of the council serving immediately before the effective date of this Act to continue to serve on the council for the term to which the member was appointed.

(b) As the terms of the members of the council expire or as vacancies on the council occur, the governor shall make appointments to the council to achieve, as soon as possible, the membership plan prescribed by Section 40.021, Human Resources Code, as amended by this Act.

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.

SB 1103 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Hughes, the house granted the request of the senate for the appointment of a conference committee on **SB 1103**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1103**: Hughes, chair; West; Crownover; Crabb; and Farabee.

SB 1670 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED

On motion of Representative Callegari, the house granted the request of the senate for the appointment of a conference committee on **SB 1670**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1670**: Callegari, chair; Krusee; Taylor; Deshotel; and Escobar.

FIVE DAY POSTING RULE SUSPENDED

Representative West moved to suspend the five day posting rule to allow the Committee on Energy Resources to consider **SB 712** in a public hearing at 9 a.m. tomorrow in E1.010.

The motion prevailed.

Representative J. Keffer moved to suspend the five day posting rule to allow the Committee on Ways and Means to consider **SB 18**, **SB 1351**, and other posted business at 8 a.m. tomorrow in E2.010.

The motion prevailed.

Representative Uresti moved to suspend the five day posting rule to allow the Committee on Government Reform to consider **SB 1002**, **SB 1533**, **SB 1547**, **SB 1569**, and **SB 1573** upon adjournment today in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Judiciary, upon adjournment today, Desk 70, for a formal meeting, to consider pending business.

Law Enforcement, upon adjournment today, Desk 56, for a formal meeting, to consider pending business.

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

Culture, Recreation, and Tourism, upon adjournment today, Desk 66, for a formal meeting, to consider committee business.

Energy Resources, 9 a.m. tomorrow, E1.010, for a public hearing, to consider **SB 712**.

Local Government Ways and Means, upon adjournment today, Desk 73, for a formal meeting, to consider committee business.

Ways and Means, 8 a.m. tomorrow, E2.010, for a public hearing, to consider **SB 18**, **SB 1351**, and posted business.

Natural Resources, upon adjournment today, Desk 112, for a formal meeting.

Government Reform, upon adjournment today, E2.012, for a public hearing, to consider **SB 1002**, **SB 1533**, **SB 1547**, **SB 1569**, and **SB 1573**.

HB 1528 - WITH SENATE AMENDMENTS

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

HB 1528, A bill to be entitled An Act relating to the expiration of the other events trust fund established to support local efforts to recruit or retain certain sports events.

HB 1528 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **HB 1528** under Rule 11, Sections 2 and 3 of the House Rules on the grounds that the senate amendments are not germane to the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of **HB 1528**.

PROVIDING FOR ADJOURNMENT

Representative Branch 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 Dale P. Jones of Dallas, retired vice-chairman of Halliburton Co., member of the Baylor Board of Regents, and deacon and trustee of Park Cities Baptist Church.

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.)

(Hardcastle in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 5:08 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 195 (By Peña), Honoring the life of Jeramie Espinoza.

To Rules and Resolutions.

HCR 197 (By Homer), Congratulating Bobby Dejoux of Direct on winning first place at the 2003 SkillsUSA state competition.

To Rules and Resolutions.

HCR 198 (By Homer), Congratulating Cory Morris of Powderly on winning first place at the 2005 SkillsUSA state competition.

To Rules and Resolutions.

HCR 199 (By Homer), Congratulating Jonathan Daniels of Paris on his success at the 2004 National SkillsUSA competition.

To Rules and Resolutions.

HCR 200 (By Homer), Honoring Bo Bolton on his retirement from North Lamar High School in Paris.

To Rules and Resolutions.

HCR 201 (By Isett and D. Jones), Honoring the employees of Southwest Airlines at the Lubbock International Airport.

To Rules and Resolutions.

HCR 202 (By Gallego), Congratulating U.S. Ambassador Tony Garza and Mariasun Aramburuzabala on their marriage.

To Rules and Resolutions.

HCR 203 (By Strama), Granting WB IND-HP, Ltd., permission to sue the state, the Texas Building and Procurement Commission, and the Texas Department of Public Safety.

To Civil Practices.

HR 1554 (By Zedler), Congratulating Justin Neal Bryan on his receipt of the Buck Weirus Spirit Award.

To Rules and Resolutions.

HR 1555 (By Zedler), In memory of Lynn Franek of Crowley.

To Rules and Resolutions.

HR 1556 (By Zedler), Honoring Lynda Freeman for her decades of service to the City of Arlington.

To Rules and Resolutions.

HR 1557 (By Zedler), Commending the students of Meadowcreek Elementary School in the Crowley Independent School District for their interest in learning more about Texas state government.

To Rules and Resolutions.

HR 1558 (By Zedler), In memory of KayDee Welch of Mansfield.

To Rules and Resolutions.

HR 1559 (By Zedler), Congratulating Victor A. Hernandez of Fort Worth on achieving the rank of Eagle Scout.

To Rules and Resolutions.

HR 1560 (By Zedler), Honoring Stephen Roe of Mansfield on becoming an Eagle Scout.

To Rules and Resolutions.

HR 1561 (By Zedler), Honoring Daniel T. Serna of Arlington on his appointment to the Texas Tech University System Board of Regents.

To Rules and Resolutions.

HR 1562 (By Zedler), Honoring Sue Crouch on her retirement from the Crowley ISD Board of Trustees.

To Rules and Resolutions.

HR 1563 (By Bohac), Congratulating Casey Johnson of Houston on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1565 (By Hilderbran), In memory of Dovie Jane Knowles of Uvalde.

To Rules and Resolutions.

HR 1566 (By Campbell), Honoring Dianna Spieker, treasurer of Tom Green County, for her public service.

To Rules and Resolutions.

HR 1567 (By Bohac), In memory of Alfred C. Habelman of Houston.
To Rules and Resolutions.

HR 1568 (By F. Brown), Honoring Sister Gretchen Kunz of Bryan as she transitions from her position as president of Saint Joseph Health System.
To Rules and Resolutions.

HR 1570 (By Hodge), In memory of Cubie Faye Webster Evans of Dallas.
To Rules and Resolutions.

HR 1571 (By Farabee), Recognizing the birth of Wesley Venkatesham Sudarshan and declaring him an honorary Texan.
To Rules and Resolutions.

HR 1572 (By Bailey), Honoring Rita Varavadekar, legislative intern for State Representative Kevin Bailey.
To Rules and Resolutions.

HR 1573 (By Quintanilla), In memory of Gilberto Vargas, Sr., of Clint.
To Rules and Resolutions.

HR 1574 (By Quintanilla), In memory of Nelda L. Candelaria of El Paso.
To Rules and Resolutions.

HR 1575 (By Quintanilla), In memory of Socorro Rodriguez of Clint.
To Rules and Resolutions.

HR 1576 (By Quintanilla), In memory of Jack Dalton Strachan of Clint.
To Rules and Resolutions.

HR 1577 (By Quintanilla), In memory of Jennifer Crystal Chavez.
To Rules and Resolutions.

HR 1578 (By Quintanilla), In memory of Rene "Rocky" U. Renteria of Clint.
To Rules and Resolutions.

HR 1579 (By Quintanilla), In memory of Albert F. Hanmore of Clint.
To Rules and Resolutions.

HR 1580 (By Phillips), Recognizing the establishment of the Austin College Leadership Award.
To Rules and Resolutions.

HR 1581 (By McReynolds), Honoring Drew and Brenda Daugherty of Coldspring for their contributions to the Coldspring Volunteer Fire Department.
To Rules and Resolutions.

HR 1582 (By Burnam), Commending the third-grade students of Fort Worth's Como Elementary School and their teacher Joyce Bowens on their interest in state government.
To Rules and Resolutions.

HR 1584 (By Branch), Honoring the 100th anniversary of Munger Place Historic District in Dallas.
To Rules and Resolutions.

HR 1585 (By Branch), Honoring the 100th anniversary of the Baylor College of Dentistry.

To Rules and Resolutions.

HR 1586 (By Flynn), Honoring Kenneth and Marilyn Sandlin of Greenville on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1587 (By Flynn), Honoring the Ghostriders for impressive achievements in horse-riding drill team competition.

To Rules and Resolutions.

HR 1588 (By Flynn), Honoring Dan and Jean Gayler of Quinlan on their golden wedding anniversary.

To Rules and Resolutions.

HR 1589 (By Flynn), Honoring E. J. "Buddy" and Clara Pringle on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1590 (By Flynn), Congratulating Bill and Delores McMurtre on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1591 (By Gallego), In memory of Krystal Leigh DelBart and Gage Leighton DelBart of Alpine.

To Rules and Resolutions.

HR 1592 (By Gallego), Congratulating the Paisano Folklorico dancers of Big Bend High School in Terlingua on winning the Best Contemporary Dance in the Intermediate B Adult Category at the Viva Aztlan Festival held in March 2005 in Lubbock.

To Rules and Resolutions.

HR 1593 (By J. Keffer), Directing law enforcement agencies in this state to enforce laws prohibiting illegal use of anabolic steroids by public school students engaged in extracurricular activities.

To State Affairs.

HR 1594 (By Castro), Honoring Peter Thomas Padilla of San Antonio on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1595 (By Castro), Honoring Brandon and Cassie Denson of San Antonio for their heroism.

To Rules and Resolutions.

HR 1596 (By Castro), Honoring Robert Eugene Stricklin, Jr., of San Antonio on attaining the rank of Eagle Scout.

To Rules and Resolutions.

HR 1597 (By McCall), Congratulating the Plano West High School boys' hockey team for winning the 2005 Texas Cup.

To Rules and Resolutions.

HR 1598 (By McCall), Honoring Grace Presbyterian Church of Plano on its 25th anniversary.

To Rules and Resolutions.

HR 1599 (By McCall), Honoring Plano Senior High School junior Erin Yu on her perfect SAT score.

To Rules and Resolutions.

HR 1600 (By McCall), In memory of Robert Layton Simmons, Jr., of Dallas.

To Rules and Resolutions.

HR 1601 (By McCall), Congratulating the Plano Senior High School boys' track and field team on winning the District 8-5A title.

To Rules and Resolutions.

HR 1602 (By Dawson), Congratulating Bob and Ann Joyner of Pearland on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1605 (By Wong), Honoring the Asian Pacific American Heritage Association on the occasion of its 13th anniversary gala on May 20, 2005.

To Rules and Resolutions.

HR 1606 (By Wong), Congratulating Wang Chi of Houston on her birthday and commending her for her many contributions to the community.

To Rules and Resolutions.

HR 1607 (By Dutton), In memory of Daisy Lee Tindall of Friendswood.

To Rules and Resolutions.

HR 1608 (By Ritter and Deshotel), Honoring Joseph Domino of Beaumont for his receipt of a 2005 Distinguished Alumni Award from Lamar University.

To Rules and Resolutions.

HR 1609 (By Quintanilla), In memory of Enrique Perez of San Elizario.

To Rules and Resolutions.

HR 1610 (By Quintanilla), In memory of Kathy Rubio of San Elizario.

To Rules and Resolutions.

HR 1611 (By Hunter, Hilderbran, and Chavez), Commending the Texas Parks and Wildlife Department and the Texas Historical Commission on their collaboration in developing the Texas Buffalo Soldiers Heritage Trail.

To Rules and Resolutions.

HR 1612 (By Farabee), Honoring Betty Jo Harvey of Wichita Falls for her receipt of a MetLife Foundation Older Volunteers Enrich America Award.

To Rules and Resolutions.

HR 1614 (By Woolley), In memory of Tenie Mulvey Braniff of Houston.

To Rules and Resolutions.

HR 1615 (By T. Smith), In memory of Donald R. Tharp of Bedford.

To Rules and Resolutions.

HR 1616 (By Hilderbran), Honoring retired Brigadier General David L. "Tex" Hill of San Antonio for his receipt of the Distinguished Service Cross.

To Rules and Resolutions.

HR 1620 (By Eissler), In memory of Lewis Schwartz.

To Rules and Resolutions.

HR 1621 (By Farabee), Honoring Pat Gorman on being named the 2005 Small Business Person of the Year by the Wichita Falls Board of Commerce and Industry.

To Rules and Resolutions.

HR 1623 (By Casteel), Honoring Texas Air National Guard Major Scott Galliardt of Boerne for his service to his country and for his contributions in behalf of his fellow soldiers.

To Rules and Resolutions.

HR 1626 (By Raymond), Commending Ray Scott for his contributions to fishing and hunting in Texas and beyond.

To Rules and Resolutions.

HR 1628 (By Eiland), Directing the Texas Education Agency and the State Board of Education to facilitate the offering of high school elective courses on the Bible in Texas public schools.

To Rules and Resolutions.

HR 1629 (By Eiland), Recognizing May 12, 2005, as the Texas Retired Teachers Association "Texas Retired School Personnel Day."

To Rules and Resolutions.

HR 1630 (By Hodge), Honoring Meg and Jay Propes of Austin on the birth of their son, Walker Henson Propes.

To Rules and Resolutions.

HR 1631 (By Dutton), Recognizing the Prairie View Interscholastic League Coaches Association on the occasion of its 26th annual Hall of Honor Awards Banquet.

To Rules and Resolutions.

HR 1632 (By J. Jones), Congratulating New Hope Missionary Baptist Church in Wheelock on the dedication of its church bell.

To Rules and Resolutions.

HR 1633 (By J. Jones), Honoring New Hope Missionary Baptist Church of Wheelock on its notable anniversary celebration.

To Rules and Resolutions.

HR 1634 (By Elkins), Congratulating Chris Daniel on his graduation from The University of Texas at Austin.

To Rules and Resolutions.

HR 1635 (By Martinez), Recognizing the grand opening of the Wal-Mart Supercenter in Weslaco on May 18, 2005.

To Rules and Resolutions.

HR 1636 (By Martinez), In memory of Alvin M. "Al" Levine of Weslaco.
To Rules and Resolutions.

HR 1637 (By Martinez), In memory of Dora Faye Ligon of Weslaco.
To Rules and Resolutions.

HR 1638 (By Otto), Congratulating Megan Laws on graduating from Tom C. Clark High School in San Antonio.
To Rules and Resolutions.

HR 1639 (By Bailey), Honoring Reyes Torres Garcia, Jr., for his exceptional service to his community.
To Rules and Resolutions.

HR 1640 (By Bailey), Congratulating Meryl-Ina Samantha Kizzee of the Girl Scouts of San Jacinto Council on winning a Girl Scout Gold Award.
To Rules and Resolutions.

HR 1641 (By Dunnam), Congratulating David Fernandez and Latisha Renay Ford on being selected as members of the 2005 UIL State One-Act Play Honor Crew.
To Rules and Resolutions.

HR 1643 (By Rodriguez), Honoring Sara Bechtold of Houston Elementary School for being named Austin ISD's 2005 Teacher of the Year.
To Rules and Resolutions.

HR 1644 (By Escobar), Congratulating the Texas A&M University-Kingsville football team for an outstanding 2004 season.
To Rules and Resolutions.

HR 1645 (By Homer), In memory of Jack C. "Jake" Coker of Paris.
To Rules and Resolutions.

HR 1646 (By Hodge), Recognizing June 20-24, 2005, as National Healthcare Risk Management Week.
To Rules and Resolutions.

HR 1650 (By Laubenberg), Honoring Dr. John Dale Coble on being named the 2004 Optometrist of the Year.
To Rules and Resolutions.

HR 1651 (By Laubenberg), Congratulating Carol Ray on her retirement from the Lovejoy ISD.
To Rules and Resolutions.

HR 1652 (By Solis), Congratulating Dr. Gerald Whitson of Harlingen on being named Physician of the Year by the staff of Valley Baptist Medical Center-Harlingen.
To Rules and Resolutions.

HR 1653 (By Solis), In memory of U.S. Army Major Horst Gerhard "Gary" Moore of Los Fresnos.
To Rules and Resolutions.

HR 1654 (By R. Cook), In memory of Michael Ryan Davis of La Grange.
To Rules and Resolutions.

HR 1656 (By Hamilton), Congratulating Don Briscoe of Beaumont on being named to the Pinnacle Club by Clear Channel Communications, Inc.
To Rules and Resolutions.

HR 1657 (By Hamilton), Congratulating Trent and Melanie Marshall of Orange on the birth of their son, Andrew Jackson Marshall.
To Rules and Resolutions.

HR 1658 (By Bohac), In memory of Joe Clifford Epps of Houston.
To Rules and Resolutions.

HR 1659 (By Bohac), Commemorating the 50th anniversary of Pine Shadows Elementary School in Houston.
To Rules and Resolutions.

HR 1660 (By Dukes), In memory of Marc Thomas of Austin and recognizing May 17, 2005, as Marc Thomas Day.
To Rules and Resolutions.

HR 1662 (By Dunnam), Commending Valerie Simpson for outstanding service as a legislative intern with the office of State Representative Todd Smith.
To Rules and Resolutions.

HR 1663 (By Dunnam), Commending Anthony Stewart for outstanding service as a legislative intern with the office of Senator Leticia Van de Putte.
To Rules and Resolutions.

HR 1664 (By Dunnam), Commending Kevin Vickers for outstanding service as a legislative intern with the office of State Representative Jim Dunnam.
To Rules and Resolutions.

HR 1665 (By Dunnam), Commending English Pratts for outstanding service as a legislative intern with the office of State Representative Vicki Truitt.
To Rules and Resolutions.

HR 1666 (By Dunnam), Commending Monica Ramasehla for outstanding service as a legislative intern with the office of Senator Royce West.
To Rules and Resolutions.

HR 1667 (By Dunnam), Commending Nicholas Reed for outstanding service as a legislative intern with the office of State Representative Vilma Luna.
To Rules and Resolutions.

HR 1668 (By Dunnam), Commending Hamilton Rucker for outstanding service as a legislative intern with the office of State Representative Joe Deshotel.
To Rules and Resolutions.

HR 1669 (By Dunnam), Commending Geneza Simoes for outstanding service as a legislative intern with the office of Senator Rodney Ellis.
To Rules and Resolutions.

HR 1670 (By Dunnam), Commending Rebecca Walton for outstanding service as a legislative intern with the office of Senator Rodney Ellis.

To Rules and Resolutions.

HR 1671 (By Dunnam), Commending Orianna Diaz for outstanding service as a legislative intern with the office of Senator Rodney Ellis.

To Rules and Resolutions.

HR 1672 (By Dunnam), Commending Courtney White for outstanding service as a legislative intern with Texas Monthly Magazine.

To Rules and Resolutions.

HR 1673 (By Dunnam), Commending Bobby Ray Williams for outstanding service as a legislative intern with the office of State Representative Mark Strama.

To Rules and Resolutions.

HR 1674 (By Dunnam), Commending Jarrett Leland for outstanding service as a legislative intern with the office of Senator Rodney Ellis.

To Rules and Resolutions.

HR 1675 (By Dunnam), Commending Candice Smith for outstanding service as a legislative intern with the office of Senator Robert Duncan.

To Rules and Resolutions.

HR 1676 (By Dunnam), Commending Henal Patel for outstanding service as a legislative intern with the office of State Representative Scott Hochberg.

To Rules and Resolutions.

HR 1677 (By Dunnam), Commending Ephraim Ngoasheng for outstanding service as a legislative intern with People for the American Way.

To Rules and Resolutions.

HR 1678 (By Dunnam), Commending Simeon Popoff for outstanding service as a legislative intern with the office of Senator Rodney Ellis.

To Rules and Resolutions.

HR 1679 (By Dunnam), Commending Nicholas Ngcobo for outstanding service as a legislative intern with the office of State Representative Jesse Jones.

To Rules and Resolutions.

HR 1680 (By Dunnam), Commending Amy-Kristen Jones for outstanding service as a legislative intern with the office of State Representative Marc Veasey.

To Rules and Resolutions.

HR 1681 (By Dunnam), Commending Darrell Jordan, Jr., for outstanding service as a legislative intern with the office of State Representative Hubert Vo.

To Rules and Resolutions.

HR 1682 (By Dunnam), Commending Emily King for outstanding service as a legislative intern with the office of Senator Kyle Janek.

To Rules and Resolutions.

HR 1683 (By Dunnam), Commending Hendrik Maison for outstanding service as a legislative intern with the office of Senator Rodney Ellis.

To Rules and Resolutions.

HR 1684 (By Dunnam), Commending Vanessa McMahan for outstanding service as a legislative intern with the office of Senator Rodney Ellis.

To Rules and Resolutions.

HR 1685 (By Dunnam), Commending Shannon Garth-Rhodes for outstanding service as a legislative intern with the office of State Representative Allan Ritter.

To Rules and Resolutions.

HR 1686 (By Dunnam), Commending Kelechi Meremikwu for outstanding service as a legislative intern with the office of the late State Representative Joe E. Moreno.

To Rules and Resolutions.

HR 1687 (By Dunnam), Commending Xolisile Moloji for outstanding service as a legislative intern with the office of State Representative Helen Giddings.

To Rules and Resolutions.

HR 1688 (By Dunnam), Commending Gulani Moeti for outstanding service as a legislative intern with the office of State Representative Terri Hodge.

To Rules and Resolutions.

HR 1689 (By Dunnam), Commending Shelley Morrison for outstanding service as a legislative intern with the office of Senator Rodney Ellis.

To Rules and Resolutions.

HR 1690 (By Dunnam), Commending Patrick Embry for outstanding service as a legislative intern with the office of State Representative Garnet Coleman.

To Rules and Resolutions.

HR 1691 (By Dunnam), Commending Carlos Doroteo for outstanding service as a legislative intern with the office of Acting State Representative Melissa Noriega.

To Rules and Resolutions.

HR 1692 (By Dunnam), Commending Melissa Duncan for outstanding service as a legislative intern with the office of State Representative Craig Eiland.

To Rules and Resolutions.

HR 1693 (By Dunnam), Commending Dolly Marchena for outstanding service as a legislative intern with the office of State Representative Yvonne Gonzalez Toureilles.

To Rules and Resolutions.

HR 1694 (By Dunnam), Honoring John Guess IV for his outstanding service as a legislative intern with the office of State Representative Sylvester Turner.

To Rules and Resolutions.

HR 1695 (By Dunnam), Commending Keith Brooks for outstanding service as a legislative intern with the office of State Representative Chuck Hopson.

To Rules and Resolutions.

HR 1696 (By Dunnam), Commending Melisha Craft for outstanding service as a legislative intern with the office of State Representative Yvonne Davis.

To Rules and Resolutions.

HR 1697 (By Dunnam), Commending Derrick Davis for outstanding service as a legislative intern with the office of State Representative Jose Menendez.

To Rules and Resolutions.

HR 1698 (By Dunnam), Commending Mary Dean for outstanding service as a legislative intern with the office of State Representative Alma Allen.

To Rules and Resolutions.

HR 1699 (By Laney), In memory of Dell Wayne Watson, Jr., of Round Rock.

To Rules and Resolutions.

HR 1700 (By T. Smith), Recognizing the 50th anniversary of the Hurst-Euless-Bedford Chamber of Commerce.

To Rules and Resolutions.

HR 1701 (By Wong), Recognizing Mikail Ashvin Wijesekera of Houston on his first birthday.

To Rules and Resolutions.

HR 1703 (By Craddick), Honoring Bobby and Billie Dyer of Midland on their 60th wedding anniversary.

To Rules and Resolutions.

HR 1704 (By Riddle), Honoring Jennifer Fuller for her outstanding service as a legislative intern in the office of State Representative Debbie Riddle.

To Rules and Resolutions.

HR 1705 (By Riddle), Honoring Matthew McRoberts for his outstanding service as a legislative intern in the office of State Representative Debbie Riddle.

To Rules and Resolutions.

HR 1706 (By Riddle), Honoring Lauren Williams for her outstanding service as a legislative intern in the office of State Representative Debbie Riddle.

To Rules and Resolutions.

HR 1707 (By Riddle), Honoring Lauren Madera for her outstanding service as a legislative intern in the office of State Representative Debbie Riddle.

To Rules and Resolutions.

HR 1708 (By Riddle), Honoring Travis Horne for his outstanding service as a legislative intern in the office of State Representative Debbie Riddle.

To Rules and Resolutions.

HR 1709 (By Riddle), Honoring Maria Aldeguer for her outstanding service as a legislative assistant in the office of State Representative Debbie Riddle.

To Rules and Resolutions.

HR 1710 (By Riddle), Honoring Kristen Blank for her outstanding service as a legislative assistant in the office of State Representative Debbie Riddle.

To Rules and Resolutions.

HR 1712 (By Farrar), In memory of Natalia Palomo Martinez of Houston.

To Rules and Resolutions.

HR 1713 (By Kuempel), Honoring the legacy of the American Quarter Horse Association foundation sire Gonzales Joe Bailey.

To Rules and Resolutions.

HR 1714 (By Hilderbran), In memory of Helene LeMay Burk of Junction.

To Rules and Resolutions.

HR 1715 (By Y. Davis), Honoring Destinee Nacole Waiters of San Antonio on her service as an intern during the 79th Legislative Session.

To Rules and Resolutions.

HR 1716 (By Y. Davis), Honoring Melisha S. Craft of Houston on her service as an intern during the 79th Legislative Session.

To Rules and Resolutions.

HR 1717 (By J. Jones, Anderson, and Dunnam), Honoring head coach Clyde Hart of the Baylor University track and field teams for his outstanding achievements.

To Rules and Resolutions.

HR 1718 (By Callegari), In memory of Jerry L. Carswell.

To Rules and Resolutions.

HR 1719 (By Dunnam), Commending Akilah Mance for outstanding service as a legislative intern with the office of State Representative David Farabee.

To Rules and Resolutions.

HR 1720 (By Dunnam), Commending Christopher Smith for outstanding service as a legislative intern with the office of Senator Rodney Ellis.

To Rules and Resolutions.

HR 1721 (By Dunnam), Commending Nikki Starr for outstanding service as a legislative intern with the office of State Representative Dawnna Dukes.

To Rules and Resolutions.

HR 1722 (By Branch), Congratulating Coach Tim Marzuola of Highland Park High School on being named the 2005 UIL State Wrestling Coach of the Year.

To Rules and Resolutions.

HR 1723 (By Branch), Congratulating the Highland Park High School wrestling team on winning the 2005 state championship.

To Rules and Resolutions.

HR 1724 (By Branch), Congratulating the Highland Park High School girls swimming team on winning its fifth straight Class 4A state championship.

To Rules and Resolutions.

HR 1725 (By Branch), In memory of Don Huffer Snell of Dallas.

To Rules and Resolutions.

HR 1726 (By Branch), Honoring Texans Can! on its 20th anniversary.

To Rules and Resolutions.

HR 1728 (By Gonzalez Toureilles), Honoring U.S. Army Sergeant Nieves Rodriguez, Jr., for his service in Iraq.

To Rules and Resolutions.

HR 1729 (By Gonzalez Toureilles), Honoring Dr. Euell Crisp for his dedication to the residents of Alice.

To Rules and Resolutions.

HR 1730 (By Gonzalez Toureilles), Honoring Armando Marroquin of Alice for providing scholarships for high school seniors.

To Rules and Resolutions.

HR 1731 (By Gonzalez Toureilles), Congratulating Adan Valadez on his receipt of the Martin Luther King, Jr., Humanitarian Award from the office of the mayor of Alice.

To Rules and Resolutions.

HR 1732 (By Gonzalez Toureilles), Congratulating Eva Richardson on her receipt of the Martin Luther King, Jr., Humanitarian Award from the office of the mayor of Alice.

To Rules and Resolutions.

HR 1733 (By Quintanilla), Recognizing the Sparks Housing Development Corporation for 15 years of service in east El Paso County.

To Rules and Resolutions.

HR 1734 (By Quintanilla), In memory of Irene Trujillo of San Elizario.

To Rules and Resolutions.

HR 1735 (By Quintanilla), Honoring Chris Forbes on being named the 2004-2005 Outstanding Ex Student by the Alumni Association of Austin High School in El Paso.

To Rules and Resolutions.

HR 1736 (By Quintanilla), In memory of Refugio L. Sanchez of Socorro.

To Rules and Resolutions.

HR 1737 (By Leibowitz), Congratulating Max Lucado of San Antonio on being named America's Best Preacher in the April 2005 issue of Reader's Digest magazine.

To Rules and Resolutions.

HR 1738 (By Leibowitz), Congratulating Joyce W. Dorrycott of San Antonio on the occasion of her 75th birthday.

To Rules and Resolutions.

HR 1739 (By Leibowitz), In memory of Filomeno Escobar of San Antonio.
To Rules and Resolutions.

HR 1740 (By Gonzales), Honoring Steve Ahlenius on his achievements as president and chief executive officer of the McAllen Chamber of Commerce.
To Rules and Resolutions.

HR 1741 (By Gonzales), Honoring Michael A. Allen for his contributions to the economic development of the Rio Grande Valley.
To Rules and Resolutions.

HR 1742 (By Gonzales), Honoring Monica Weisberg-Stewart of McAllen for her outstanding civic contributions.
To Rules and Resolutions.

HR 1743 (By Gonzales), Honoring Veena and Varsha Namboodiri of McAllen on the occasion of their Annaprasana.
To Rules and Resolutions.

HR 1744 (By Gonzales), Commending Cynthia M. Sakulenzki for her work as president and CEO of the McAllen Hispanic Chamber of Commerce.
To Rules and Resolutions.

HR 1745 (By Hill), Honoring Eamon Kennedy of Arapaho Elementary School in Richardson for being selected the Adapted Physical Education Teacher of the Year by the Texas Association for Health, Physical Education, Recreation, and Dance.
To Rules and Resolutions.

HR 1747 (By Escobar), Honoring Raul Garza for his contributions to the students of Kingsville ISD.
To Rules and Resolutions.

HR 1748 (By Escobar), Honoring Reynaldo Candia of Primera for his efforts as a civil rights activist and advocate.
To Rules and Resolutions.

HR 1749 (By Seaman), In memory of former State Representative Leroy J. Wieting, Sr., of Portland and Austin.
To Rules and Resolutions.

HR 1751 (By Merritt), Honoring the 2005 Kilgore Rotary Club Scholar Athletes for their academic and athletic accomplishments.
To Rules and Resolutions.

HR 1752 (By Merritt), Honoring Casey Zager of Longview for his participation in the international exchange program Beyond Borders.
To Rules and Resolutions.

HR 1753 (By Merritt), Honoring Travis Martin on being named the Lion of the Year by the Kilgore Lions Club.
To Rules and Resolutions.

HR 1754 (By Merritt), Honoring O. Rufus Lovett of Kilgore College on being named a Piper Professor by the Minnie Stevens Piper Foundation of San Antonio.

To Rules and Resolutions.

HR 1755 (By Merritt), Honoring Roy and Louise Hollingsworth of Longview on the occasion of their 60th wedding anniversary.

To Rules and Resolutions.

HR 1756 (By Merritt), Honoring the city of Lindale on the occasion of its centennial celebration.

To Rules and Resolutions.

HR 1757 (By Merritt), Honoring Shannon Marie Mitchell of Longview for her receipt of the Rase Brothers Award from The University of Texas Department of Chemical Engineering.

To Rules and Resolutions.

HR 1758 (By Merritt), Honoring David and Caranelle Bodenheimer of Gladewater on their 50th anniversary.

To Rules and Resolutions.

HR 1759 (By Keel), Commending members of the 1st Battalion, 23rd Marine Regiment, for their service during Operation Iraqi Freedom.

To Rules and Resolutions.

HR 1760 (By Y. Davis), In memory of Arthello Beck, Jr., of Dallas.

To Rules and Resolutions.

HR 1761 (By Howard, W. Smith, and Callegari), Congratulating the Texas MATHCOUNTS team on winning first place at the 2005 National MATHCOUNTS competition.

To Rules and Resolutions.

HR 1762 (By Bohac), In memory of Anthony Paschal Dwight of Houston.

To Rules and Resolutions.

HR 1763 (By Riddle), Honoring Deborah Mary Folsom on the occasion of her 60th birthday.

To Rules and Resolutions.

HR 1764 (By Riddle), Honoring Leslie Gray for her outstanding service as a legislative intern in the office of State Representative Debbie Riddle.

To Rules and Resolutions.

HR 1765 (By Grusendorf), Recognizing Wayne Ogle for his service to the city of Arlington.

To Rules and Resolutions.

HR 1767 (By Gallego), Congratulating Julio Cesar Dovalina of Austin on his receipt of the St. Edward's University Presidential Award in 2005.

To Rules and Resolutions.

HR 1768 (By Gallego), In memory of Rudy F. Rodriguez.

To Rules and Resolutions.

HR 1769 (By Gallego), In memory of F. M. "Roe" Miller of Fort Davis.
To Rules and Resolutions.

HR 1770 (By Gallego), Honoring St. James Episcopal School in Del Rio on its 50th anniversary.
To Rules and Resolutions.

HR 1771 (By Gallego), In memory of Pablo Aguilar of Fort Davis.
To Rules and Resolutions.

HR 1772 (By Gallego), In memory of Gunther H. Moller of Alpine.
To Rules and Resolutions.

HR 1773 (By Gallego), Honoring Joyce Miles on her retirement from Sul Ross State University Wildenthal Memorial Library.
To Rules and Resolutions.

HR 1774 (By Gattis), Commemorating Memorial Day 2005.
To Rules and Resolutions.

HR 1775 (By Baxter), Honoring Sarah Jean Durkee on her high school graduation.
To Rules and Resolutions.

HR 1776 (By J. Jones), Congratulating the recipients of the 2005 Seagoville Chamber of Commerce Annual Awards.
To Rules and Resolutions.

HR 1777 (By T. Smith), Honoring Pam Conley for her years of service as a member of the Bedford City Council.
To Rules and Resolutions.

HR 1778 (By T. Smith), Honoring Edward and Wanda Parker on their golden wedding anniversary.
To Rules and Resolutions.

HR 1779 (By T. Smith), Honoring Ron May of Bedford for his service as a member of the board of Hurst-Eules-Bedford ISD.
To Rules and Resolutions.

HR 1780 (By T. Smith), Congratulating Khoan Vu on being named a top 10 graduate of L. D. Bell High School in Hurst.
To Rules and Resolutions.

HR 1781 (By T. Smith), Congratulating Sarah Agee on being named a top 10 graduate of L. D. Bell High School in Hurst.
To Rules and Resolutions.

HR 1782 (By T. Smith), Congratulating Jainy James on being named a top 10 graduate of L. D. Bell High School in Hurst.
To Rules and Resolutions.

HR 1783 (By T. Smith), Congratulating Aimee Lam on being named a top 10 graduate of L. D. Bell High School in Hurst.
To Rules and Resolutions.

HR 1784 (By T. Smith), Congratulating Karen Pavlovich on being named a top 10 graduate of L. D. Bell High School in Hurst.

To Rules and Resolutions.

HR 1785 (By T. Smith), Congratulating Suzanne Eckl on being named a top 10 graduate of L. D. Bell High School in Hurst.

To Rules and Resolutions.

HR 1786 (By T. Smith), Congratulating Mita Lakhia on being named a top 10 graduate of L. D. Bell High School in Hurst.

To Rules and Resolutions.

HR 1787 (By T. Smith), Congratulating Caitlin Burhand on being named a top 10 graduate of L. D. Bell High School in Hurst.

To Rules and Resolutions.

HR 1788 (By T. Smith), Congratulating Brittany Jackson on being named a top 10 graduate of L. D. Bell High School in Hurst.

To Rules and Resolutions.

HR 1789 (By T. Smith), Honoring Mayor Rick Hurt of Bedford for his contributions to city politics.

To Rules and Resolutions.

HR 1790 (By T. Smith), Honoring Alicia McGlinchey for her service as a member of the Bedford City Council.

To Rules and Resolutions.

HR 1791 (By T. Smith), Congratulating Lindsay Ice on being named a top 10 graduate of L. D. Bell High School in Hurst.

To Rules and Resolutions.

HR 1792 (By J. Keffer), Congratulating Dana Vollmer of Granbury on winning a gold medal at the 2004 Olympic Games in Athens, Greece, as a member of the women's 800-meter freestyle relay team.

To Rules and Resolutions.

HR 1793 (By Martinez Fischer), Commending the Honorable Al Alonso, judge of County Court at Law No. 1 and a Bexar County adult drug court, for his pioneering work in implementing the first certified drug court in the nation.

To Rules and Resolutions.

SB 603 to Law Enforcement.

SB 1375 to Transportation.

SB 1451 to Natural Resources.

SB 1605 to Appropriations.

SB 1606 to Appropriations.

SB 1704 to Judiciary.

SB 1737 to Border and International Affairs.

SB 1809 to Higher Education.

SB 1869 to Human Services.

SCR 36 to Licensing and Administrative Procedures.

SCR 39 to Rules and Resolutions.

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

SB 322 to Transportation.

SB 1351 to Local Government Ways and Means.

SIGNED BY THE SPEAKER

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

Senate List No. 22

SB 15, SB 846, SB 1027, SB 1537

House List No. 43

HB 81, HB 87, HB 168, HB 203, HB 204, HB 207, HB 210, HB 307, HB 350, HB 409, HB 413, HB 472, HB 546, HB 596, HB 614, HB 678, HB 723, HB 735, HB 774, HB 854, HB 883, HB 942, HB 957, HB 1097, HB 1191, HB 1201, HB 1285, HB 1361, HB 1362, HB 1363, HB 1418, HB 1508, HB 1531, HB 1695, HB 1759, HB 1912, HB 1913, HB 1970, HB 1982, HB 2032, HB 2096, HB 2171, HB 2202, HB 2208, HB 2256, HB 2274, HB 2298, HB 2549, HB 2553, HB 2814, HB 3489, HCR 89, HCR 120, HCR 147, HCR 163, HCR 164, HCR 173, HCR 191, HCR 196

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

Tuesday, May 17, 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:

LOCAL AND UNCONTESTED CALENDAR

HB 70

McClendon

SPONSOR: Wentworth

Relating to the expedited payment of the lump-sum death benefit for members of the Employees Retirement System of Texas.

HB 202 Goodman SPONSOR: Harris
Relating to certain marital property agreements.

HB 214 Casteel SPONSOR: Fraser
Relating to the authority of certain counties to impose a hotel occupancy tax.

HB 373 Swinford SPONSOR: Jackson
Relating to the food and fibers research grant program.

HB 417 Delisi SPONSOR: Williams
Relating to a supplemental health coverage program under the Texas Employees Group Benefits Act for certain persons.

HB 654 Goolsby SPONSOR: Deuell
Relating to professional liability insurance for volunteer health care providers.

HB 655 Goolsby SPONSOR: Deuell
Relating to certain volunteer health care providers.

HB 720 Berman SPONSOR: Van de Putte
Relating to the members of a local workforce development board.

HB 769 Smith, Wayne SPONSOR: Janek
Relating to the deadline for evaluating and ranking competitive sealed proposals for certain construction services submitted to a navigation district or port authority.

HB 775 Gonzales SPONSOR: Lucio
Relating to the allocation of certain community development block grant program money for the installation of street lights in colonias.

HB 828 Callegari SPONSOR: Fraser
Relating to the authority of the Texas Commission on Environmental Quality over the issuance of certain district bonds.

HB 894 Hodge SPONSOR: West, Royce
Relating to produce samples at municipally owned farmers' markets.

HB 912 Isett SPONSOR: Ellis
Relating to the maximum cost of certain awards presented to state agency employees for professional achievement or outstanding service.

HB 943 Geren SPONSOR: Deuell
Relating to evidence establishing ownership of a vessel for a certificate of title issued by the Parks and Wildlife Department.

HB 982 Reyna SPONSOR: Van de Putte
Relating to posting a sign warning restaurant or bar employees against fraudulent use or possession of identifying information; providing a criminal penalty.

HB 1009 Corte SPONSOR: Gallegos
Relating to the authority of a port authority, a navigation district, or certain other persons to use electronically readable information derived from a driver's license, commercial driver's license, or personal identification certificate for port security purposes.

- HB 1011** Hilderbran SPONSOR: Williams
Relating to the removal of the dedication for certain cemeteries.
- HB 1088** Thompson SPONSOR: Harris
Relating to an automobile club membership offered in connection with a loan.
- HB 1174** Dutton SPONSOR: Wentworth
Relating to attorney's fees and costs in a proceeding to enforce an order for the possession of or access to a child.
- HB 1182** Dutton SPONSOR: Wentworth
Relating to the issuance of an administrative writ of withholding for the enforcement of a child support obligation.
- HB 1229** Hilderbran SPONSOR: Fraser
Relating to the powers, duties, and directors of the Menard County Underground Water District and the directors of the Menard County Water Control and Improvement District No. 1.
- HB 1304** Wong SPONSOR: Van de Putte
Relating to sanitation requirements for certain barbering and cosmetology services.
- HB 1501** Casteel SPONSOR: Wentworth
Relating to the authority of a guardian of the estate of a ward to make certain gifts of the ward's estate for estate planning purposes.
- HB 1544** Dawson SPONSOR: Ellis
Relating to removal of corneal tissue from a decedent; providing penalties.
- HB 1562** Chavez SPONSOR: Madla
Relating to the authority of a local government to enter into an interlocal contract with a federally recognized Indian tribe.
- HB 1573** Geren SPONSOR: Harris
Relating to the definition of the practice of architecture and to certificates of merit for design professionals.
- HB 1646** Hughes SPONSOR: Eltife
Relating to the definition of all-terrain vehicle in the certificate of title and the motor vehicle registration laws.
- HB 1686** Oliveira SPONSOR: Wentworth
Relating to the compensation of presiding judges of administrative judicial regions.
- HB 1935** Keffer, Jim SPONSOR: Averitt
Relating to the acceptance of credit cards by a water district for the payment of fees and charges imposed by the district.
- HB 2231** Reyna SPONSOR: Deuell
Relating to the payment of child support to an individual with actual primary possession of the child.
- HB 2313** Miller SPONSOR: Madla
Relating to noxious and invasive plants; providing a criminal penalty.
- HB 2961** Paxton SPONSOR: Nelson

Relating to the repeal of certain requirements for the Texas Workforce Commission's administration of federally established day-care programs.

HB 2962 Paxton SPONSOR: Nelson

Relating to the abolition of the work and family policies advisory committee and the work and family policies fund.

HB 3227 Swinford SPONSOR: Lucio

Relating to the management of state agency vehicle fleets.

HCR 13 Chavez SPONSOR: Lucio

Memorializing Congress to allow Mexican visitors the same six-month length of stay afforded to Canadian travelers.

HCR 71 Bonnen SPONSOR: Jackson

Designating Texas purple sage (*Leucophyllum frutescens*) as the official State Native Shrub of Texas.

SB 1375 Staples

Relating to the regulation of outdoor advertising.

SB 1737 Lucio

Relating to the Border Health Foundation.

SB 1809 Wentworth

Relating to statewide evaluation of tech-prep consortia.

SB 1869 Gallegos

Relating to the Harris County Board of Protective Services for Children and Adults.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 17, 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:

HCR 111 Hopson SPONSOR: Eltife

Honoring the silver anniversary of the East Texas Oil Museum in Kilgore and the diamond anniversary of the discovery of the East Texas Oil Field.

HCR 124 Truitt SPONSOR: Zaffirini

Designating April as Child Safety Month in Texas.

HCR 168 Rose SPONSOR: Van de Putte
Recognizing the problem of obesity in Texas and encouraging awareness of prevention and treatment methods.

SCR 36 Armbrister
Honoring Paula C. Flowerday, executive director of the Texas Racing Commission, as she concludes her outstanding tenure with the agency.

SCR 39 Deuell
Designating July 2005 as Lawn Mower Safety Awareness Month.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Tuesday, May 17, 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:

HB 261 Goodman SPONSOR: Wentworth
Relating to possession of or access to a grandchild and designation of other relatives as managing conservators.
(AMENDED)

HB 976 Madden SPONSOR: Wentworth
Relating to allowing the Texas Building and Procurement Commission to deliberate in a closed meeting regarding business and financial considerations of a contract being negotiated.
(COMMITTEE SUBSTITUTE)

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

SB 248 (30 Yeas, 0 Nays)

SB 1471 (30 Yeas, 0 Nays)

SB 1472 (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 5

Senate Conferees: Staples - Chair/Duncan/Fraser/Madla/Nelson

SB 122

Senate Conferees: Hinojosa - Chair/Carona/Gallegos/Harris/Williams

SB 1641

Senate Conferees: Lucio - Chair/Carona/Eltife/Madla/Shapleigh

THE SENATE HAS GRANTED THE REQUEST OF THE HOUSE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

HB 2

Senate Conferees: Shapiro - Chair/Armbrister/Duncan/Janek/West, Royce

HB 3

Senate Conferees: Ogden - Chair/Brimer/Fraser/Staples/Zaffirini

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, May 17, 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 1503

West, Royce

Relating to reports on racial profiling in connection with motor vehicle shops; providing a penalty.

SB 1652

Staples

Relating to the administration of ad valorem taxation and to certain measures involving school district property values.

SJR 20

West, Royce

Proposing a constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

May 16

Business and Industry - **SB 244**

Corrections - **SB 938**

County Affairs - **SB 270, SB 526, SB 829, SB 1049, SB 1673, SB 1846**

Defense Affairs and State-Federal Relations - **SB 75**

Government Reform - **SB 825, SB 982, SB 1663**

Human Services - **SB 45, SB 52, SB 565, SB 874, SB 990, SB 1055, SB 1830**

Judiciary - **SB 307, SB 451**

Land and Resource Management - **SB 592, SB 740**

Licensing and Administrative Procedures - **SB 269, SB 1246, SB 1626**

Public Health - **HR 1346**

Regulated Industries - **SB 409, SB 533**

ENROLLED

May 16 - HB 81, HB 87, HB 168, HB 203, HB 204, HB 207, HB 210, HB 307, HB 350, HB 409, HB 413, HB 472, HB 546, HB 596, HB 614, HB 678, HB 723, HB 735, HB 774, HB 854, HB 883, HB 942, HB 957, HB 1097, HB 1191, HB 1201, HB 1285, HB 1361, HB 1362, HB 1363, HB 1418, HB 1508, HB 1531, HB 1695, HB 1759, HB 1912, HB 1913, HB 1970, HB 1982, HB 2032, HB 2096, HB 2171, HB 2208, HB 2256, HB 2274, HB 2298, HB 2549, HB 2553, HB 2814, HB 3489, HCR 120, HCR 147, HCR 163, HCR 173, HCR 191, HCR 196

SENT TO THE GOVERNOR

May 16 - 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

