

SEVENTY-THIRD DAY

TUESDAY, MAY 20, 2003

PROCEEDINGS

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by Senator Lucio.

The roll was called and the following Senators were present: Armbrister, Averitt, Barrientos, Bivins, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Ratliff, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

The Reverend Bobbi Kaye Jones, Saint John's United Methodist Church, Austin, offered the invocation as follows:

Do all the good you can, by all the means you can, in all the ways you can, in all the places you can, at all the times you can, to all the people you can, as long as ever you can. (John Wesley)

Senator Whitmire moved that the reading of the Journal of the proceedings of yesterday be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

CO-AUTHOR OF SENATE BILL 1305

On motion of Senator Lucio, Senator Williams will be shown as Co-author of **SB 1305**.

INTRODUCTION OF BILLS AND RESOLUTIONS POSTPONED

The Presiding Officer announced that the introduction of bills and resolutions on first reading would be postponed until the end of today's session.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 20, 2003

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 2, Recognizing the 10th anniversary of Southeast Texas Community Development Corporation, Inc.

HCR 199, Requesting that congress enact legislation to define the political status options available to U.S. citizens of Puerto Rico.

HCR 249, Honoring Ross Snodgrass of Kerrville on his 100th birthday.

SCR 23, Commending Herb Miller on his outstanding achievements in the Senior Olympics.

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

HB 2133 (non-record vote)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

PHYSICIAN OF THE DAY

Senator Estes was recognized and presented Dr. Jeff Alling of Decatur as the Physician of the Day.

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

SENATE RESOLUTION 889

Senator Lindsay offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize May 18 through 24, 2003, as National Public Works Week in Texas; and

WHEREAS, Public works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS, The support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs, such as water, sewers, streets and highways, public buildings, and solid waste collection; and

WHEREAS, The quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, The efficiency of the qualified and dedicated personnel who staff public works departments is influenced by the people's attitude and understanding of the importance of the work they perform; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 78th Legislature, hereby call upon all citizens and civic organizations in our state to acquaint themselves with the issues involved in providing public works and recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life; and, be it further

RESOLVED, That a copy of this Resolution be prepared in honor of National Public Works Week in Texas.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lindsay was recognized and introduced to the Senate Richard Riddings, 2002 President, American Public Works Association; Tom Wendorf, President, Texas Chapter; Toni Lewis, President, Southeast Texas Branch; Jayne Longley, Executive Administrator, Southeast Texas Branch; and Naomi Hines, chapter delegate.

The Senate welcomed its guests.

REPORT OF COMMITTEE ON NOMINATIONS

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

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

Members, Texas Racing Commission: Jesse R. Adams, Bexar County; Comer J. Cottrell, Collin County.

Member, Board of Pardons and Paroles: Stephen T. Rosales, Travis County.

Members, State Board of Dental Examiners: Tammy Allen, Tarrant County; Oscar Xavier Garcia, Cameron County; Norman Lewis Mason, Travis County; Gary W. McDonald, Harris County; Helen Hayes McKibben, Lubbock County; Marti L. Morgan, Tarrant County; Phyllis A. Stine, Midland County; George Strunk, D.D.S., Gregg County; Paul E. Stubbs, D.D.S., Travis County; Juan D. Villarreal, Cameron County; Charles Field Wetherbee, Atascosa County.

Members, Texas State Board of Medical Examiners: Patricia S. Blackwell, Midland County; Roberta M. Kalafut, D.O., Taylor County; Thomas D. Kirksey, Travis County; Eddie J. Miles, Jr., Bexar County; Elvira G. Pascua-Lim, Lubbock County; John W. Pate, Jr., M.D., El Paso County.

Members, Texas Commission of Licensing and Regulation: Frank S. Denton, Montgomery County; Fred N. Moses, Collin County; Bill C. Pittman, Travis County.

Members, Texas Municipal Retirement System Board of Trustees: H. Frank Simpson, Galveston County; Kathryn M. Usrey, Denton County.

Member, Statewide Health Coordinating Council: Russell K. Tolman, Tarrant County.

Members, Coastal Coordination Council: Jack Wayne Gibson, Brazoria County; Robert Elliott Jones, Nueces County.

Member, On-site Wastewater Treatment Research Council: Karen S. Berryman, Travis County.

Members, Board of Nurse Examiners: Thomas L. Barton, Gray County; Deborah H. Bell, Taylor County; Blanca Rosa Garcia, Ph.D., Nueces County; Brenda S. Jackson, Ph.D., R.N., Bexar County.

Member, Texas Structural Pest Control Board: Brenda Hill, Nacogdoches County.

Members, Advisory Board of Athletic Trainers: D. Leilani Cronin, Travis County; Lawrence M. Sampleton, Jr., Travis County; Michael Alan Waters, Angelina County.

Members, Texas Workers' Compensation Commission: Edward J. Sanchez, Harris County; Carolyn J. Walls, Bexar County.

Member, Private Sector Prison Industries Oversight Authority: Brian L. Hatley, El Paso County.

Members, Texas Appraiser Licensing and Certification Board: Malcolm J. Deason, Angelina County; William A. Faulk, Jr., Cameron County; Larry D. Kokel, Williamson County; L. W. "Wayne" Mayo, Collin County.

Member, Texas Public Finance Authority Board of Directors: Barry Thomas Smitherman, Harris County.

Members, Texas Commission for the Blind: Robert Gene Griffith, Williamson County; Brenda Gail Saxon, Travis County; Beverley A. Stiles, Aransas County.

Members, Texas Council on Environmental Technology: David T. Allen, Travis County; Randall J. Charbeneau, Travis County; Purnendu K. "Sandy" Dasgupta, Lubbock County; Richard Edward Ewing, Brazos County; Robert L. Glover, Tarrant County; Kuruvilla John, Nueces County; Deborah June Roberts, Galveston County; Richard William Tock, Lubbock County; Arthur Vilas, Harris County; Mark R. Wiesner, Harris County; Kyriacos Zygourakis, Harris County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Lindsay gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

SENATE BILL 464 WITH HOUSE AMENDMENT

Senator Nelson called **SB 464** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Lucio in Chair, laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 464** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to the appointment of a management team to manage and operate a community center for mental health or mental retardation services.

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

SECTION 1. Sections 534.038(a) and (d), Health and Safety Code, are amended to read as follows:

(a) The commissioner may appoint a manager or management team to manage and operate a community center if the commissioner finds that[~~-~~

[~~(+)~~] the center or an officer or employee of the center:

(1) [~~(A)~~] intentionally, recklessly, or negligently failed to discharge the center's duties under a contract with the department;

(2) [~~(B)~~] misused state or federal money;

(3) [~~(C)~~] engaged in a fraudulent act, transaction, practice, or course of business;

(4) [~~(D)~~] endangers or may endanger the life, health, or safety of a person served by the center;

(5) [~~(E)~~] failed to keep fiscal records or maintain proper control over center assets as prescribed by Chapter 783, Government Code;

(6) [~~(F)~~] failed to respond to a deficiency in a review or audit;

(7) [~~(G)~~] substantially failed to operate within the functions and purposes defined in the center's plan; or

(8) [~~(H)~~] otherwise substantially failed to comply with this subchapter or department rules[~~; and~~

~~[(2) contract sanctions and intervention with the local board of trustees failed to bring the center into compliance with the center's plan or contract].~~

(d) The center may appeal the commissioner's decision to appoint a manager or management team as prescribed by board rule. The filing of a notice of appeal stays the appointment unless the commissioner based the appointment on a finding under Subsection (a)(2) or (4) [~~(a)(1)(D)~~].

SECTION 2. Sections 534.040(b) and (c), Health and Safety Code, are amended to read as follows:

(b) The authority of the manager or management team continues until[~~-~~

[~~(+)~~] the commissioner determines that the relevant factors listed under Section 534.038(a) [~~534.038(a)(1)~~] no longer apply [~~exist; or~~

~~[(2) the department cancels its contract with the center].~~

(c) Following a determination under Subsection (b) [~~(b)(1)~~], the commissioner shall terminate the authority of the manager or management team and restore authority to manage and operate the center to the center's authorized officers and employees.

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

The amendment was read.

Senator Nelson moved to concur in the House amendment to **SB 464**.

The motion prevailed by a viva voce vote.

SENATE BILL 1380 WITH HOUSE AMENDMENTS

Senator Armbrister called **SB 1380** from the President's table for consideration of the House amendments to the bill.

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

Amendment

Amend **SB 1380** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to alcoholic beverage industry sponsorship at public entertainment facilities.

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

SECTION 1. Chapter 108, Alcoholic Beverage Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. INDUSTRY PUBLIC ENTERTAINMENT FACILITIES ACT

Sec. 108.71. PURPOSE. This subchapter governs the statutory duties, rights, and relations among licensees and permittees operating under this subchapter, including their relations with the owners and operators of public entertainment facilities. This subchapter expressly authorizes alcoholic beverage distillers, manufacturers, distributors, and wholesalers, except as provided by Section 108.74, to promote and sponsor events and advertise alcoholic beverage brands and products at public entertainment facilities without establishing unlawful intertier relations, including with retail permittees operating at those facilities.

Sec. 108.72. SHORT TITLE. This subchapter may be cited as the Industry Public Entertainment Facilities Act.

Sec. 108.73. DEFINITIONS. In this subchapter:

(1) "Independent concessionaire" means a licensed or permitted member of the retail tier or a holder of a private club permit, caterer's permit, or food and beverage certificate who:

(A) has a written concession agreement from the owner, operator, or lessee of a public entertainment facility;

(B) receives no monetary benefit, directly or indirectly, by any scheme or device or in any form or degree from the alcoholic beverage industry including a benefit in the form of capital improvements, furniture, fixtures, or equipment, unless otherwise authorized by this code or commission rules; and

(C) is not owned, in whole or in part, by the public entertainment facility, or a subsidiary, agent, manager, or company managing the facility, and who does not own, in whole or in part, or manage the public entertainment facility.

(2) "Public entertainment facility" means an arena, stadium, automobile race track, amphitheater, auditorium, theater, civic center, convention center, or similar facility that is primarily designed and used for live artistic, theatrical, cultural, educational, charitable, musical, sporting, nationally sanctioned automobile racing, or entertainment events. The term does not include a facility the primary purpose of which is the sale of food or alcoholic beverages, including a bar, nightclub, restaurant, hotel, bowling alley, pool hall, or dance hall, or a facility that derives 75 percent or more of the facility's annual gross revenue from the on-premise sale of alcoholic beverages.

(3) "Public entertainment facility property" means property on which a public entertainment facility and a licensed or permitted premises are located and related surrounding property.

(4) "Sponsorship signs" means any manner of advertising, promotional, or sponsorship signage, or any representation, device, display, regalia, insignia, indicia, design, slogan, trade name, brand name, product name, permittee or licensee name, advertising specialties, marketing services, or other materials indicating participation in or sponsorship of all or part of a public entertainment facility or an event or venue at a public entertainment facility, including the sponsorship or naming of all or part of the facility or event, wherever located, whether indoor or outdoor, including billboards, awnings, and electric signs, however manufactured, comprising whatever materials, and however disseminated, including by writing, printing, graphics, newspaper, periodicals, radio, television, cable, Internet, electronic, satellite, and other media or communication modalities.

Sec. 108.74. EXCEPTION OF CERTAIN WHOLESALER FROM APPLICATION OF THIS SUBCHAPTER. A person who holds a permit under Chapter 19 and whose revenues from the sale of alcoholic beverages are predominately obtained from the sale of distilled spirits and wine may not enter into advertising, sponsorship, or promotional agreements as authorized by Section 108.75.

Sec. 108.75. ADVERTISING AND PROMOTION IN PUBLIC ENTERTAINMENT FACILITY. (a) A member of the distiller, manufacturing, distributor, or wholesaler tier may promote, sponsor, or advertise an entertainment event or venue or promote or advertise an alcoholic beverage brand or product at a public entertainment facility if the alcoholic beverage promoted, sold, or served at the event, venue, or facility is furnished by an independent concessionaire.

(b) An independent concessionaire may not receive direct monetary benefit from advertising, promotional, or sponsorship revenues generated by operation of a public entertainment facility. A member of the manufacturing or distributing tier may not, directly or indirectly through the owner or operator of a public entertainment facility, furnish, give, rent, lend, or sell any equipment, fixtures, or supplies to an independent concessionaire. A public entertainment facility owner or operator or a member of the distiller, manufacturing, distributor, or wholesaler tier may not directly or indirectly

control the quantity or brand of alcoholic beverages bought or sold by an independent concessionaire. An independent concessionaire must enter into a written concession agreement with an owner, lessee, or operator of a public entertainment facility.

(c) A member of the distiller, manufacturing, distributor, or wholesaler tier who has entered into an advertising, promotional, or sponsorship agreement may provide sponsorship signs at a public entertainment facility property and as otherwise authorized in this code and commission rules.

(d) An independent concessionaire who has entered into a concessionaire agreement under this subchapter may place sponsorship signs at, in, or on public entertainment facility property.

(e) The owner or operator of a public entertainment facility who has entered into a concessionaire agreement and a sponsorship agreement under this subchapter shall not be precluded from placing and displaying sponsorship signs, as otherwise permitted by law, provided by sponsoring members of the distiller, manufacturing, distributor, or wholesaler tier, at, in, or on an independent concessionaire's venues at a public entertainment facility property, including the area where alcoholic beverages are displayed, served, or poured.

(f) Nothing in this subchapter shall limit the independent concessionaire's right to place and display sponsorship and other signs authorized under this code and commission rules.

(g) All advertising, promotional, sponsorship, and concession agreements authorized by this subchapter shall contain an affirmative provision disavowing the right of any party to engage in conduct prohibited by this subchapter.

Sec. 108.76. VIOLATION. The provision, placement, and use of sponsorship signs as authorized by and in compliance with this subchapter by members of the distiller, manufacturing, distributor, or wholesaler tier, independent concessionaires, and public entertainment facility owners and operators does not constitute an illegal inducement, subterfuge, or a surrender of exclusive control.

Sec. 108.77. COST OF ADVERTISEMENT, SPONSORSHIP, OR PROMOTION. No part of the cost of an advertisement, sponsorship, or promotion authorized by this subchapter may be charged to or paid by a distributor or wholesaler, except as provided by Section 108.74, unless the distributor or wholesaler:

(1) contracts directly with the owner or operator of the public entertainment facility for the advertisement, sponsorship, or promotion; or

(2) is a party to the advertising, sponsorship, or promotion agreement between a member of the manufacturing tier and the owner or operator of the public entertainment facility.

Sec. 108.78. CONFIDENTIALITY. Any concessionaire, sponsorship, advertisement, or promotional agreement, or related agreement and exhibits to such an agreement, entered into, submitted, filed, or requested by the administrator or commission is deemed confidential under Section 5.48(b).

Sec. 108.79. OPTIONAL PREAPPROVAL PROCESS. (a) Subject to the terms of the relevant agreement, a permittee or licensee may by certified mail, return receipt requested, submit to the administrator in writing the permittee's or licensee's

original or amended advertising, promotional, sponsorship, or concessionaire agreement relating to a public entertainment facility, requesting the administrator's approval.

(b) Not later than the 30th day after the date the administrator receives the request for preapproval under this section, the administrator shall notify the permittee or licensee in writing, by certified mail, return receipt requested, whether the administrator approves, conditionally approves, or disapproves the submission. If the administrator does not provide the notification in that time and the permittee or licensee does not agree to a timely and reasonable written request for an extension by the administrator giving the reason for the request, the agreement is considered approved as submitted.

(c) If the administrator conditionally approves or disapproves a submission under Subsection (b), the administrator shall specify in the notice provided under that subsection the basis for the administrator's determination, referencing any specific provisions of this code or other law involved in the determination and any necessary and reasonable actions the permittee or licensee may take to obtain approval of the submission.

(d) On receipt of the administrator's conditional approval or disapproval, the permittee or licensee may:

(1) revise and resubmit the agreement in compliance with the administrator's specific comments and instructions, including any discussions between the administrator and permittee or licensee to resolve the issues involved in the administrator's determination; or

(2) contest the commission's or administrator's determinations, acts, or omissions related to this subchapter and engage in informal mediation to resolve the dispute regarding the submission.

(e) A submission under Subsection (d)(1) is subject to the approval period prescribed by Subsection (b) unless the administrator and the permittee or licensee agree otherwise.

Sec. 108.80. JUDICIAL REVIEW. (a) If a permittee, licensee, or other party to an agreement under this subchapter alleges that the administrator is or has been, directly or indirectly, unfairly, arbitrarily, capriciously, or wrongly exercising or withholding the exercise of the administrator's authority under Section 108.79, desires a declaration of rights under this subchapter, or alleges threatened or actual damage or injury arising out of a violation of this subchapter or any other law relating to the process and rights provided by this subchapter, the aggrieved party may bring suit in a district court in Travis County:

(1) to require, contest, or suspend enforcement of any act or omission by the administrator or commission; or

(2) concerning any administrative, regulatory, legal, or judicial act or omission, including seeking mandatory and prohibitory injunctive and extraordinary relief or declaratory relief.

(b) The court in its discretion may allow the permittee, licensee, or other party to an agreement to recover court costs and reasonable attorney's fees incurred in the defense or prosecution of the action.

Sec. 108.81. SPONSOR LIABILITY. A beverage distiller, manufacturer, distributor, or wholesaler who sponsors an event at a public entertainment facility or on public entertainment facility property, or who advertises or displays sponsorship signs in connection with such an event or facility or property, shall not be liable solely because of such sponsorship, advertisement, or display of sponsorship signs for any personal injury, death, or property damage occurring at such a facility or property or as a result of the operation or condition of such facility or property or because of any tort committed by any other party at or in connection with such event, facility, or property.

SECTION 2. (a) Except as provided by Subsection (b) of this section:

(1) this Act supersedes 16 T.A.C. Section 45.100(b) in its entirety as it existed on the effective date of this Act; and

(2) to the extent of any conflict between 16 T.A.C. Section 45.100 and the provisions of Subchapter C, Chapter 108, Alcoholic Beverage Code, as added by this Act, the provisions of Subchapter C shall prevail.

(b) An agreement entered into before April 15, 2003, that is in compliance with 16 T.A.C. Section 45.100, as that section existed on January 1, 2003, shall be deemed in compliance with 16 T.A.C. Section 45.100 and Subchapter C, Chapter 108, Alcoholic Beverage Code, as added by this Act. An agreement entered into before April 15, 2003, that is authorized under the provisions of Subchapter C, Chapter 108, Alcoholic Beverage Code, as added by this Act, may not be deemed to violate 16 T.A.C. Section 45.100 to the extent that section conflicts with or is superseded by Subchapter C.

SECTION 3. This Act takes effect September 1, 2003.

Floor Amendment No. 1

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

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

Sec. 105.07 HOURS OF SALE AND CONSUMPTION: SPORTS VENUE.

(a) In this section, "sports venue" means a public entertainment facility property, as defined by Section 108.73, that is primarily designed and used for live sporting events.

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

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

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

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

The amendments were read.

Senator Armbrister moved to concur in the House amendments to **SB 1380**.

The motion prevailed by a viva voce vote.

GUESTS PRESENTED

Senator Armbrister was recognized and introduced to the Senate students from Memorial High School in Victoria, accompanied by their teacher, Iva Fuzzell.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate senior class students from Harleton High School in Harleton, accompanied by their principal.

The Senate welcomed its guests.

SENATE RESOLUTION 915

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize Chion Kim, who graduated from Trinity University in San Antonio on May 17, 2003; and

WHEREAS, Chion, who is from South Korea, was an outstanding student at Trinity University, where he majored in business administration and economics; and

WHEREAS, A talented young man who devoted himself to his studies, Chion entered his senior year with a 3.88 grade point average, and he completed his college education as a member of Phi Beta Kappa and graduated Magna Cum Laude; and

WHEREAS, Chion Kim looks forward to pursuing advanced studies in business after he completes a three-year period of service with the South Korean armed forces; and

WHEREAS, Chion's parents, General Kim and So Koon Kang, and his two sisters take great pride in his accomplishments; his parents traveled from Seoul, South Korea, to attend his Trinity University graduation ceremony and to celebrate his academic accomplishments; and

WHEREAS, Also celebrating Chion's achievements are his surrogate parents, Lucy and William Rasco, with whom Chion has lived for the last four years while attending the university; William and Lucy Rasco have a long established friendship with General and Mrs. Kim; and

WHEREAS, Chion Kim was an exceptional scholar at Trinity University, and his graduation has marked the successful culmination of a memorable period of his young life and the beginning of a future filled with many new opportunities; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 78th Legislature, hereby congratulate Chion Kim on his graduation from Trinity University and extend to him best wishes for the future; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate Chion Kim, accompanied by his parents, So Koon Kang and General Hyon Kim of South Korea, and surrogate parents, Bill and Lucy Rasco of San Antonio.

The Senate welcomed its guests.

SENATE BILL 656 WITH HOUSE AMENDMENT

Senator Brimer called **SB 656** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Lucio in Chair, laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 656** as follows:

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

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

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

The amendment was read.

Senator Brimer moved to concur in the House amendment to **SB 656**.

The motion prevailed by a viva voce vote.

SENATE BILL 249 WITH HOUSE AMENDMENTS

Senator Janek called **SB 249** from the President's table for consideration of the House amendments to the bill.

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

Floor Amendment No. 2

Amend **SB 249** as follows:

(1) In SECTION 1 of the bill, in proposed Section 342.004, Transportation Code (House committee printing page 1, lines 7-8), strike "VEHICLE STICKER" and substitute "AND PORT ARANSAS FERRY VEHICLE STICKERS".

(2) In SECTION 1 of the bill, strike proposed Section 342.004(a), Transportation Code (House committee printing page 1, lines 8-12), and substitute the following:

(a) The department may adopt rules to establish a system under which an owner of a motor vehicle registered under Chapter 502 may apply to the department for issuance of:

(1) a sticker for the vehicle that entitles the vehicle to have priority in boarding the Galveston-Port Bolivar ferry operated by the department; or

(2) a sticker for the vehicle that entitles the vehicle to have priority in boarding the Port Aransas ferry operated by the department.

(3) In SECTION 1 of the bill, in proposed Section 342.004(b), Transportation Code (House committee printing page 1, line 14), between "sticker" and the semicolon insert "for each ferry".

(4) In SECTION 1 of the bill, in proposed Section 342.004(b), Transportation Code (House committee printing page 1, lines 23-24), strike "Galveston-Port Bolivar" and substitute "applicable".

Floor Amendment No. 1 on Third Reading

Amend Floor Amendment No. 2 to **SB 249** on second reading by G. Seaman on page 1, line 10, by deleting "registered under Chapter 502".

Floor Amendment No. 2 on Third Reading

Amend **SB 249** on third reading in SECTION 1 of the bill, in proposed Section 342.004, Transportation Code (committee printing page 2, between lines 1 and 2), by inserting:

(c) The department shall deposit each fee collected under this section to the credit of the state highway fund.

The amendments were read.

Senator Janek moved to concur in the House amendments to **SB 249**.

The motion prevailed by a viva voce vote.

SENATE CONCURRENT RESOLUTION 52

The Presiding Officer laid before the Senate the following resolution:

WHEREAS, The Legislature of the State of Texas is pleased to recognize the largest live oak tree in Texas, a 62-foot-high specimen, 10.25 feet wide, located in the San Bernard National Wildlife Refuge in Brazoria County; and

WHEREAS, The Texas Forest Service has officially crowned the tree the new state champion; found deep within the forest of the wildlife refuge by federal wildlife biologist Michael Lange, the tree has been added to the state's Big Tree Registry, which is a record that has been kept since the 1940s of the largest of Texas' 250 tree species; and

WHEREAS, The tree replaces the 43-foot-tall, nine-foot-wide giant oak in Goose Island State Park, which had held the title of largest live oak in Texas since 1966; and

WHEREAS, The Lone Star State is home to 69 national champions, which places it behind only two other states for having the most oversized tree species; many of the Texas species exist nowhere else; and

WHEREAS, The San Bernard live oak is estimated to be more than 200 years old and has likely been nurtured by the nutrient-rich soils laid down in the forest each time the Brazos, San Bernard, and Colorado rivers flood; it is in a densely wooded area surrounded by many large oaks which probably protected the tree from being knocked down in the 1900 hurricane; and

WHEREAS, There is both historical significance and an environmental value to large trees, since they are credited with controlling air pollution and purifying water; the biggest of any species has a uniqueness that people are drawn to, and the United States Fish and Wildlife Service hopes to soon start tours to the largest live oak in Texas; now, therefore, be it

RESOLVED, That the 78th Legislature of the State of Texas hereby pay tribute to the live oak champion in Texas located in the San Bernard National Wildlife Refuge; and, be it further

RESOLVED, That a copy of this resolution be prepared in honor of this tree and its discovery.

JANEK

The resolution was read.

On motion of Senator Janek, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Janek was recognized and introduced to the Senate Jennifer Sanchez, Manager, San Bernard National Wildlife Refuge; Michael Lange, Wildlife Biologist, United States Fish and Wildlife Service; Paige Cooper, representing The Trust for Public Land; and Pete Smith, representing the Texas Forest Service.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Barrientos was recognized and introduced to the Senate Dr. C. William Arrington of Irvine, California, representing Composite Technology Corporation.

The Senate welcomed its guest.

CONCLUSION OF MORNING CALL

The Presiding Officer, Senator Lucio in Chair, at 11:34 a.m. announced the conclusion of morning call.

SENATE JOINT RESOLUTION 3 ON SECOND READING

The Presiding Officer laid before the Senate **SJR 3** on its second reading. The resolution had been read second time and further consideration postponed:

SJR 3, Proposing a constitutional amendment authorizing the governor to grant pardons to persons who have received deferred adjudication.

Question — Shall **SJR 3** be passed to engrossment?

On motion of Senator West, the resolution was passed to engrossment by a viva voce vote.

SENATE JOINT RESOLUTION 3 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SJR 3** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 532 WITH HOUSE AMENDMENT

Senator Williams called **SB 532** from the President's table for consideration of the House amendment to the bill.

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

Amendment

Amend **SB 532** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the acceptance of a referral fee or gift by certain judges; providing a criminal penalty.

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

SECTION 1. Chapter 33, Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. JUDICIAL CONDUCT

Sec. 33.051. SOLICITATION OR ACCEPTANCE OF REFERRAL FEES OR GIFTS BY JUDGE; CRIMINAL PENALTY. (a) A judge commits an offense if the judge solicits or accepts a gift or a referral fee in exchange for referring any kind of legal business to an attorney or law firm. This subsection does not prohibit a judge from:

(1) soliciting funds for appropriate campaign or officeholder expenses as permitted by Canon 4D, Code of Judicial Conduct, and state law; or

(2) accepting a gift in accordance with the provisions of Canon 4D, Code of Judicial Conduct.

(b) It is an affirmative defense to prosecution under Subsection (a) that:

(1) the judge solicited the gift or referral fee before taking the oath of office but accepted the gift or fee after taking the oath of office; or

(2) the judge solicited or accepted the gift or referral fee after taking the oath of office in exchange for referring to an attorney or law firm legal business that the judge was engaged in but was unable to complete before taking the oath of office.

(c) An offense under this section is a Class B misdemeanor.

(d) If, after an investigation, the commission determines that a judge engaged in conduct described by Subsection (a) to which Subsection (b) does not apply, the commission may issue a sanction against the judge or institute formal proceedings, regardless of whether the judge is being prosecuted or has been convicted of an offense under this section.

(e) An attorney or judge who has information that a judge engaged in conduct described by Subsection (a) to which Subsection (b) does not apply shall file a complaint with the commission not later than the 30th day after the date the attorney or judge obtained the information. A judge who fails to comply with this subsection is subject to sanctions by the commission. An attorney who fails to comply with this subsection is subject to discipline by the Commission for Lawyer Discipline under Subchapter E, Chapter 81.

(f) For purposes of this section:

(1) "Judge" does not include a constitutional county court judge, a statutory county court judge who is authorized by law to engage in the private practice of law, a justice of the peace, or a municipal court judge, if that judge or justice of the peace solicits or accepts a gift or a referral fee in exchange for referring legal business that involves a matter over which that judge or justice of the peace will not preside in the court of that judge or justice of the peace.

(2) "Referral fee" includes forwarding fees, acknowledgment fees, and any form of payment, benefit, or compensation related to the referral or placement of a potential client for legal services.

SECTION 2. Subsections (d) and (e), Section 33.051, Government Code, as added by this Act, apply 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 on the date the conduct occurred, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2003.

The amendment was read.

Senator Williams moved to concur in the House amendment to **SB 532**.

The motion prevailed by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 1116 ON SECOND READING

The Presiding Officer, Senator Lucio in Chair, laid before the Senate **CSSB 1116** on its second reading. The bill had been read second time, amended, and further consideration postponed:

CSSB 1116, Relating to the criminal and civil consequences of conduct involving the theft of or tampering with certain communication or information services.

Question — Shall **CSSB 1116** as amended be passed to engrossment?

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 3

Amend **CSSB 1116** (committee printing) as follows:

In SECTION 9 of the bill, after line 8, renumber the subsequent subsections appropriately, and insert a new subsection (4) to read as follows:

"(4) 'Intent to defraud', for purposes of this chapter only, means that an actor knowingly commits a prohibited act with the intention of depriving a communication service provider of a fee or compensation, or knowingly assists others in doing so, by engaging in conduct which involves deceit, trickery, subterfuge, concealment, artifice, or the misrepresentation or omission of a material fact."

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

RECORD OF VOTE

Senator Carona asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 3.

Senator Shapleigh offered the following amendment to the bill:

Floor Amendment No. 4

Amend **CSSB 1116** as follows:

- (1) Strike the word "only" on committee printing page 5, line 27.
- (2) Strike the words "and is not required to prove the device was actually used to commit" on committee printing page 5, lines 29-30 and replace with "to be used for the purposes of committing".

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

RECORD OF VOTE

Senator Carona asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 4.

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

On motion of Senator Williams, **CSSB 1116** as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Barrientos and Carona asked to be recorded as voting "Nay" on the passage of **CSSB 1116** to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1116 ON THIRD READING

Senator Williams moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1116** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Averitt, Bivins, Brimer, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Ratliff, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Barrientos, Carona.

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

RECORD OF VOTES

Senators Barrientos and Carona asked to be recorded as voting "Nay" on the final passage of **CSSB 1116**.

COMMITTEE SUBSTITUTE SENATE BILL 1862 ON SECOND READING

Senator Bivins moved to suspend the regular order of business to take up for consideration **CSSB 1862** at this time on its second reading:

CSSB 1862, Relating to health and human services.

The motion prevailed by a viva voce vote.

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

COMMITTEE SUBSTITUTE SENATE BILL 1862 ON THIRD READING

Senator Bivins moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1862** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE RESOLUTION 916

Senator Nelson offered the following resolution:

WHEREAS, The Senate of the State of Texas is pleased to recognize the Dallas Mavericks on their thrilling victory over the San Antonio Spurs in the opening game of the National Basketball Association Western Conference Finals; and

WHEREAS, To the delight and excitement of their many fans, the Dallas Mavs are now engaged in a no-holds barred contest with their Texas rivals; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 78th Legislature, hereby say GO MAVS, GO MAVS, GO MAVS; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the MAVS as an expression of GREAT esteem from the Texas Senate.

NELSON
BRIMER
CARONA
DEUELL
ESTES
HARRIS
SHAPIRO
WEST

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate fourth-grade students from Edgar Allen Poe Elementary School in Houston, accompanied by their teachers and Senator Ellis' wife, Licia, and daughter, Maria.

The Senate welcomed its guests.

COMMITTEE SUBSTITUTE SENATE BILL 1188 ON SECOND READING

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 1188** at this time on its second reading:

CSSB 1188, Relating to supplemental pay for certain officers of the Department of Public Safety of the State of Texas who are proficient in a second language.

The motion prevailed by a viva voce vote.

RECORD OF VOTE

Senator Nelson asked to be recorded as voting "Nay" on the suspension of the regular order of business.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1188** by striking all below the enacting clause and substituting the following:

SECTION 1. The heading to Section 411.016, Government Code, is amended to read as follows:

Sec. 411.016. SUPPLEMENTAL PAY FOR OVERTIME HOURS WORKED OR PROJECTS FUNDED BY FEDERAL GOVERNMENT.

SECTION 2. Subchapter A, Chapter 411, Government Code, is amended by adding Sections 411.0161 and 411.0162 to read as follows:

Sec. 411.0161. SUPPLEMENTAL PAY FOR PROFICIENCY IN SECOND LANGUAGE. (a) The department may pay a supplement not to exceed \$100 a month to an officer commissioned by the department who is proficient in both English and a second language if:

(1) the department determines that the second language is beneficial to protecting the public safety; and

(2) the commissioned officer is able to demonstrate proficiency in the second language by reading, writing, and demonstrating conversation skills in the second language as determined by the department.

(b) Supplemental pay under this section is in addition to an officer's regular salary.

Sec. 411.0162. SUPPLEMENTAL PAY FOR HIGHER EDUCATION. (a) If an officer commissioned by the department has obtained one of the following degrees, or a number of credit hours equivalent to one of the following degrees, from an accredited public or private college or university, the department may pay the officer supplemental pay in an amount not to exceed:

- (1) \$100 per month for an associate degree;
- (2) \$200 per month for a bachelor's degree; or
- (3) \$300 per month for a master's or more advanced degree.

(b) The maximum amount of supplemental pay for higher education that the department may pay to an officer who has obtained more than one of the degrees listed in Subsection (a) is the maximum amount of supplemental pay available under that subsection for the most advanced degree obtained by the officer.

SECTION 3. (a) The Department of Public Safety of the State of Texas may implement Section 411.0161, Government Code, as added by this Act, only during a fiscal period for which the legislature specifically appropriates money to the Department of Public Safety of the State of Texas for the purpose of funding supplemental pay for proficiency in a second language under that section.

(b) The Department of Public Safety of the State of Texas may implement Section 411.0162, Government Code, as added by this Act, only during a fiscal period for which the legislature specifically appropriates money to the Department of Public Safety of the State of Texas for the purpose of funding supplemental pay for higher education under that section.

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

The floor amendment was read and was adopted without objection.

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

CSSB 1188 as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Nelson asked to be recorded as voting "Nay" on the passage of **CSSB 1188** to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1188 ON THIRD READING

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1188** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Nelson.

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

RECORD OF VOTE

Senator Nelson asked to be recorded as voting "Nay" on the final passage of **CSSB 1188**.

**COMMITTEE SUBSTITUTE
SENATE BILL 788 ON SECOND READING**

Senator Carona moved to suspend the regular order of business to take up for consideration **CSSB 788** at this time on its second reading:

CSSB 788, Relating to the issuance of a limited license to practice medicine to certain applicants.

The motion prevailed by a viva voce vote.

The bill was read second time.

Senator Janek offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 788** as follows:

(1) In SECTION 1 of the bill, in proposed Section 155.006(a), Occupations Code (committee printing page 1, line 19), strike "profession" and substitute "specialty".

(2) In SECTION 1 of the bill, after proposed Section 155.006(b)(2), Occupations Code (committee printing page 1, line 37), strike "and" and substitute the following:

(3) has not failed a licensing examination that would prevent the applicant from obtaining an unrestricted license in this state;

(4) has passed a Texas medical jurisprudence examination as determined by board rule;

(5) has successfully completed at least one year of approved subspecialty training accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association;

(6) is of good professional character, is not subject to denial of a license under Section 164.051, and has not engaged in conduct described by Section 164.052 or 164.053; and

(3) In SECTION 1 of the bill, in proposed Section 155.006(b), Occupations Code, in Subdivision (3) of that section (committee printing page 1, line 38), strike "(3)" and substitute "(7)".

(4) Between SECTIONS 1 and 2 of the bill (committee printing page 1, between lines 57 and 58), insert the following:

(f) The holder of a license under this section shall be limited to the practice of only a specialty of medicine for which the license holder has trained and qualified, as determined by the board. The license holder may not practice medicine outside of the setting of the institution or program, or an affiliate of the institution or program, that recommended the license holder under Subsection (b)(1).

(g) The holder of a license under this section may not change the license holder's practice setting to a new institution or program unless the license holder applies for a new license under this section with the recommendation of that institution or program as required by Subsection (b)(1).

(h) A license holder under this section may obtain an unrestricted license to practice medicine in this state by meeting all applicable eligibility requirements for an unrestricted license.

The floor amendment was read and was adopted without objection.

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

CSSB 788 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 788 ON THIRD READING**

Senator Carona moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 788** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

**COMMITTEE SUBSTITUTE
SENATE BILL 1477 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration **CSSB 1477** at this time on its second reading:

CSSB 1477, Relating to restrictions on the disclosure of certain criminal records and to the duty of law enforcement agencies regarding records associated with certain defendants receiving deferred adjudication; providing a civil penalty.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Armbrister, Averitt, Barrientos, Bivins, Carona, Deuell, Ellis, Estes, Gallegos, Hinojosa, Janek, Lindsay, Lucio, Madla, Ratliff, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Brimer, Jackson, Nelson, Ogden, Wentworth.

Absent: Duncan, Fraser, Harris.

The bill was read second time.

Senator West offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 1477** on page 2, line 3, between "(b)(1)" and "or" insert "or (b)(2)".

The floor amendment was read and was adopted without objection.

Senator West offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSSB 1477** (committee printing) as follows:

(1) In SECTION 4 of the bill, in the introductory language to the SECTION, (page 2, line 13), strike "(d) through (g)" and substitute "(d) through (h)".

(2) In SECTION 4 of the bill, in proposed Section 411.081(d), Government Code, between "order of nondisclosure" and "on or after:" (page 2, line 27), insert "on payment of a \$28 fee to the clerk of the court. The payment may be made only".

(3) In SECTION 4 of the bill, in proposed Section 411.081(g), Government Code, between "a copy of the order" and "to all law enforcement agencies" (page 3, lines 4-5), insert "by mail or electronic means".

(4) At the end of SECTION 4 of the bill, proposed Section 411.081, Government Code (page 3, between lines 11 and 12), add Subsection (h) to read as follows:

(h) The clerk of a court that collects a fee under Subsection (d) shall remit the fee to the comptroller not later than the last day of the month following the end of the calendar quarter in which the fee is collected, and the comptroller shall deposit the fee in the general revenue fund. The Department of Public Safety shall submit a report to the legislature not later than December 1 of each even-numbered year that includes information on:

(1) the number of petitions for nondisclosure and orders of nondisclosure received by the department in each of the previous two years;

(2) the actions taken by the department with respect to the petitions and orders received; and

(3) the costs incurred by the department in taking those actions.

(5) At the end of SECTION 6 of the bill (page 3, line 51), add Subsection (d) to the transitional language to read as follows:

(d) The Department of Public Safety shall submit its first report to the legislature as required by Section 411.081(h), as added by this Act, not later than December 1, 2004.

The floor amendment was read and was adopted without objection.

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

CSSB 1477 as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Nelson and Wentworth asked to be recorded as voting "Nay" on the passage of **CSSB 1477** to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 1477 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1477** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 5.

Yeas: Armbrister, Averitt, Barrientos, Bivins, Carona, Deuell, Ellis, Estes, Gallegos, Hinojosa, Janek, Lindsay, Lucio, Madla, Ratliff, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Williams, Zaffirini.

Nays: Brimer, Jackson, Nelson, Ogden, Wentworth.

Absent: Duncan, Fraser, Harris.

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

RECORD OF VOTES

Senators Nelson and Wentworth asked to be recorded as voting "Nay" on the final passage of **CSSB 1477**.

**COMMITTEE SUBSTITUTE
SENATE BILL 1160 ON SECOND READING**

Senator Barrientos moved to suspend the regular order of business to take up for consideration **CSSB 1160** at this time on its second reading:

CSSB 1160, Relating to the development and implementation of personnel policies and procedures of state agencies.

The motion prevailed by a viva voce vote.

RECORD OF VOTE

Senator Estes asked to be recorded as voting "Nay" on the suspension of the regular order of business.

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

RECORD OF VOTE

Senator Estes asked to be recorded as voting "Nay" on the passage of **CSSB 1160** to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 1160 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1160** be placed on its third reading and final passage.

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

Nays: Estes.

Absent: Fraser.

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

RECORD OF VOTE

Senator Estes asked to be recorded as voting "Nay" on the final passage of **CSSB 1160**.

**COMMITTEE SUBSTITUTE
HOUSE BILL 510 ON SECOND READING**

Senator Ogden moved to suspend the regular order of business to take up for consideration **CSHB 510** at this time on its second reading:

CSHB 510, Relating to the issuance of special license plates for federal administrative law judges.

The motion prevailed by a viva voce vote.

RECORD OF VOTE

Senator Wentworth asked to be recorded as voting "Nay" on the suspension of the regular order of business.

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

RECORD OF VOTE

Senator Wentworth asked to be recorded as voting "Nay" on the passage of **CSHB 510** to third reading.

**MOTION TO PLACE
COMMITTEE SUBSTITUTE
HOUSE BILL 510 ON THIRD READING**

Senator Ogden moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CHSB 510** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 19, Nays 8. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Averitt, Barrientos, Bivins, Carona, Deuell, Estes, Fraser, Harris, Lindsay, Lucio, Madla, Nelson, Ogden, Shapleigh, Staples, West, Williams, Zaffirini.

Nays: Brimer, Ellis, Gallegos, Hinojosa, Jackson, Janek, Wentworth, Whitmire.

Absent: Duncan, Ratliff, Shapiro, Van de Putte.

SENATE BILL 1507 WITH HOUSE AMENDMENT

Senator Harris called **SB 1507** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Lucio in Chair, laid the bill and the House amendment before the Senate.

Floor Amendment No. 1

Amend **SB 1507** as follows:

1) On page 2, line 23 strike all of subsection (e) and substitute with the following:

(e) A signed and dated written odometer disclosure containing the information described in this subsection (e) may be included on or with the power of attorney if the power of attorney is executed within one hundred and twenty days before the date of the transfer and is accompanied by the conspicuous written notification described in this subsection. If an odometer disclosure is not obtained in that manner, the transferee or agent or the person to whom the vehicle is delivered at the time of the transfer shall request an odometer disclosure as provided in this subsection (e). Not more than one hundred and twenty days before the transfer of the vehicle by the owner, the transferee or agent under the power of attorney or person receiving delivery of the vehicle shall in writing request the owner to provide a signed and dated written statement stating the odometer reading (not to include tenths of a mile) as of

the date of the statement, and further stating words to the effect that either: (i) to the best of the owner's knowledge, the odometer reading reflects the actual mileage of the vehicle, or (ii) the actual mileage has gone over the odometer's mechanical limits and the odometer reading reflects the amount of mileage in excess of the mechanical limits of the odometer, if the owner knows that to be the case, or (iii) the odometer reading is not the actual mileage, if the owner knows that to be the case. The statement may consist of a form in which the agent or transferee or person receiving the vehicle includes the identification of the vehicle and owner and which allows the owner to fill in the odometer reading and mark an applicable box to indicate which of condition (i), (ii) or (iii) is applicable and to date and sign the statement. With the request for the owner's statement, the transferee or agent or person receiving the vehicle shall provide a written notification to the owner to the effect that the owner has a duty under law to state the odometer reading, state which of conditions (i), (ii) or (iii) is applicable, and sign, date and return the statement, and that failing to do so or providing false information may result in fines or imprisonment. Unless the written notification is delivered to the owner at substantially the same time that the owner is delivering the signed and dated owner's statement, the written notification must also state a date by which the owner must provide this information and an address to which it may be delivered. This written notification to the owner must be in bold letters, underlined or otherwise conspicuous, and may be in a separate document or included as part of a form to be used for the owner's statement or in another document relating to the potential transfer. The transferee or agent or the person receiving delivery of the vehicle may mail the request and notification to the last known address of the owner or may otherwise send or deliver it to the owner. If there are multiple owners of the same vehicle, the request and notification may be sent to one or more of them and it shall be sufficient for one owner to sign the statement. The owner has a duty to return the signed and dated statement as directed in the notification. In completing the odometer disclosure on the owner's behalf, the agent shall identify the same condition (i), (ii) or (iii) provided in the owner's statement, unless the agent knows that the condition identified in the owner's statement is not correct. The agent will not indicate in the odometer disclosure it completes on the owner's behalf that the odometer reading is not the actual mileage unless either the owner has so indicated in the owner's statement or the agent knows that the owner's statement is not correct. The agent shall transmit the owner's statement it receives to the transferee after the title transfer is completed. The owner's statement received by the transferee under this subsection (e) need not be filed with the filing office for the other title documents, but the transferee shall retain the owner's statement for a time period and in a similar manner to the retention methods used by a lessor to retain statements under 49 C.F.R. § 580.8(b) as it may from time to time be amended. The transferee may rely upon the agent's odometer disclosure and the owner's statement unless it knows that they are not correct. A failure by an owner to comply with an obligation under this subsection (e) subjects the owner to the penalties and enforcement provisions of Subchapter H of this Chapter, but does not affect the validity of the transfer of title.

The amendment was read.

Senator Harris moved to concur in the House amendment to **SB 1507**.

The motion prevailed by a viva voce vote.

SENATE BILL 770 ON THIRD READING

Senator Madla moved to suspend the regular order of business to take up for consideration **SB 770** at this time on its third reading and final passage:

SB 770, Relating to the direct shipment of wine to consumers.

The motion prevailed by a viva voce vote.

RECORD OF VOTES

Senators Barrientos, Ellis, and Gallegos asked to be recorded as voting "Nay" on the suspension of the regular order of business.

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

RECORD OF VOTES

Senators Barrientos, Ellis, and Gallegos asked to be recorded as voting "Nay" on the final passage of **SB 770**.

(President in Chair)

SENATE BILL 1200 ON THIRD READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 1200** at this time on its third reading and final passage:

SB 1200, Relating to the creation of the TexasNextStep grant program to pay tuition and required fees and textbook costs of certain students enrolled in two-year public institutions of higher education in this state.

The motion prevailed by a viva voce vote.

RECORD OF VOTES

Senators Duncan, Nelson, Ogden, and Wentworth asked to be recorded as voting "Nay" on the suspension of the regular order of business.

The bill was read third time.

Senator Lucio offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend SECTION 1 of **SB 1200** by inserting the following language (page 3, line 66, committee report):

"Sec. 56.458. BIENNIAL REPORT. The coordinating board shall track the academic performance and subsequent educational attainment of grant recipients, by institution, and report this information biennially to the Legislature and the Comptroller."

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

Senator Ellis offered the following amendment to the bill:

Floor Amendment No. 2 on Third Reading

Amend **SB 1200** on third reading in SECTION 1 of the bill, at the end of proposed Subchapter Q, Chapter 56, Education Code, by adding a new section, appropriately numbered, to read as follows:

Sec. 56.458. APPROPRIATIONS. This subchapter may not be implemented and grants may not be awarded under this subchapter in any state fiscal year unless the legislature appropriates money to fully fund the TEXAS grant program under Subchapter M, as added by Chapter 1590, Acts of the 76th Legislature, Regular Session, 1999, for that same fiscal year.

The floor amendment was read.

On motion of Senator Ellis, Floor Amendment No. 2 was withdrawn.

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

SB 1200 as again amended was finally passed by the following vote: Yeas 24, Nays 7.

Yeas: Armbrister, Averitt, Barrientos, Bivins, Carona, Deuell, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lucio, Madla, Ratliff, Shapiro, Shapleigh, Staples, Van de Putte, West, Whitmire, Zaffirini.

Nays: Brimer, Duncan, Lindsay, Nelson, Ogden, Wentworth, Williams.

BILLS SIGNED

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

SB 235, SB 281, SB 404, SB 486, SB 710, SB 729, SB 1021, SB 1145.

(Senator Estes in Chair)

HOUSE BILL 1117 ON SECOND READING

Senator Deuell moved to suspend the regular order of business to take up for consideration **HB 1117** at this time on its second reading:

HB 1117, Relating to the clarification by a county of the existence of a public interest in certain roads.

The motion prevailed by a viva voce vote.

RECORD OF VOTE

Senator Williams asked to be recorded as voting "Nay" on the suspension of the regular order of business.

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

RECORD OF VOTE

Senator Williams asked to be recorded as voting "Nay" on the passage of **HB 1117** to third reading.

HOUSE BILL 1117 ON THIRD READING

Senator Deuell moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1117** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Averitt, Barrientos, Bivins, Brimer, Carona, Deuell, Duncan, Ellis, Estes, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Nelson, Ogden, Ratliff, Shapiro, Shapleigh, Van de Putte, Wentworth, West, Whitmire, Zaffirini.

Nays: Staples, Williams.

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

RECORD OF VOTE

Senator Williams asked to be recorded as voting "Nay" on the final passage of **HB 1117**.

HOUSE BILL 1822 ON SECOND READING

Senator Armbrister moved to suspend the regular order of business to take up for consideration **HB 1822** at this time on its second reading:

HB 1822, Relating to participation and credit in, contributions to, and benefits and administration of the Texas Municipal Retirement System.

The motion prevailed by a viva voce vote.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1822** as follows:

(1) Insert a new SECTION 23 to read as follows (committee printing, page 7, between lines 61 and 62):

SECTION 23. A member of the Texas Municipal Retirement System who, on December 31, 2003, was an employee of a municipality that adopted an ordinance under Section 853.502, Government Code, before the effective date of this Act may, as long as the person remains an employee of that municipality, elect to purchase credit for military service under Section 853.504(b), Government Code, as that provision existed immediately before the effective date of this Act, for a period that does not exceed the limitation provided by Section 853.504(c), Government Code. Eligibility to purchase the credit is as provided by Section 853.502, Government Code, as amended by this Act.

(2) Renumber existing SECTIONS 23 and 24 accordingly.

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

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

HB 1822 as amended was passed to third reading by a viva voce vote.

(President in Chair)**HOUSE BILL 1822 ON THIRD READING**

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1822** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

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

COMMITTEE SUBSTITUTE**SENATE BILL 722 ON SECOND READING**

Senator Van de Putte moved to suspend the regular order of business to take up for consideration **CSSB 722** at this time on its second reading:

CSSB 722, Relating to providing education loan repayment assistance to encourage certain individuals to pursue careers in the faculty or administration of institutions of higher education.

The motion prevailed by a viva voce vote.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSSB 722** by striking Subsection (b) of added Section 56.095, Education Code (page 2, lines 11-21, Senate committee printing), and substituting the following:

(b) Each institution of higher education shall set aside a portion of the tuition collected from each student enrolled in a doctoral degree program, other than a law or health professional degree program, equal to \$2 for each semester credit hour for which the student is enrolled. The amount set aside shall be transferred to the comptroller to be maintained in the state treasury for the sole purpose of repayment of student loans of individuals employed as faculty and administrators at institutions of higher education in this state as provided by this subchapter. The money may be used only to provide loan repayment under this subchapter and to cover the costs of administering this subchapter.

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

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

CSSB 722 as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 722 ON THIRD READING**

Senator Van de Putte moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 722** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Armbrister, Averitt, Barrientos, Bivins, Carona, Deuell, Duncan, Ellis, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Ogden, Ratliff, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Brimer, Estes, Nelson.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 3. (Same as previous roll call)

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 20, 2003

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SB 57, Relating to the creation of a statewide alert system for abducted children.

SB 89, Relating to compensatory time for persons governing state agencies.

SB 117, Relating to the authority of certain retired peace officers to carry certain weapons.

(Committee Substitute/Amended)

SB 155, Relating to the protection of public freshwater areas; providing a penalty.

(Committee Substitute/Amended)

SB 276, Relating to the continuation and functions of the Board of Tax Professional Examiners.

SB 283, Relating to the continuation and functions of the Texas Board of Architectural Examiners, including functions affecting architects, landscape architects, and interior designers; providing a criminal penalty.

(Committee Substitute/Amended)

SB 285, Relating to the administration and functions of the Texas Department of Human Services.

(Amended)

SB 433, Relating to the issuance and enforcement of protective orders to protect victims of sexual assault; providing criminal penalties.

SB 894, Relating to the reporting and auditing requirements relating to school dropouts and to the use of compensatory education funds.

(Amended)

SB 934, Relating to use of certain environmental laboratory data and analysis by the Texas Commission on Environmental Quality.

SB 1147, Relating to the functions of the State Office of Administrative Hearings, including hearings functions transferred to the office from the Texas Department of Licensing and Regulation.

(Amended)

SB 1331, Relating to procurement procedures for construction-related services for public school districts, institutions of higher education, and the Texas Building and Procurement Commission.

(Amended)

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

HOUSE JOINT RESOLUTION 61 ON SECOND READING

Senator Armbrister moved to suspend the regular order of business to take up for consideration **HJR 61** at this time on its second reading:

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

The motion prevailed by a viva voce vote.

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

HOUSE JOINT RESOLUTION 61 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HJR 61** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The resolution was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 511 ON SECOND READING

Senator Nelson moved to suspend the regular order of business to take up for consideration **SB 511** at this time on its second reading:

SB 511, Relating to the adoption of a state scenic byways program.

The motion prevailed by a viva voce vote.

RECORD OF VOTES

Senators Ellis, Estes, Jackson, and Ogden asked to be recorded as voting "Nay" on the suspension of the regular order of business.

The bill was read second time.

Senator Nelson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 511** in SECTION 1 of the bill, immediately following proposed Section 391.256, Transportation Code (committee printing, page 1, between lines 22 and 23), by inserting the following:

(d) The department may not use money from the state highway fund for the purposes of this section.

(e) The department shall adopt rules to implement this section.

The floor amendment was read.

Senator Shapiro offered the following amendment to the amendment:

Floor Amendment No. 2

Amend Floor Amendment No. 1 (page 1, line 6 of the amendment) to **SB 511** by inserting the following between the words "fund" and "for":
or the Texas mobility fund

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

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

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

SB 511 as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Armbrister, Ellis, Estes, Gallegos, Hinojosa, Jackson, Lucio, Ogden, Staples, Van de Putte, and West asked to be recorded as voting "Nay" on the passage of **SB 511** to engrossment.

SENATE BILL 1045 ON SECOND READING

Senator Ellis moved to suspend the regular order of business to take up for consideration **SB 1045** at this time on its second reading:

SB 1045, Relating to the creation of a commission to investigate and prevent wrongful convictions.

The motion prevailed by a viva voce vote.

RECORD OF VOTES

Senators Estes and Nelson asked to be recorded as voting "Nay" on the suspension of the regular order of business.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1045** by striking all below the enacting clause and substituting the following:

SECTION 1. (a) The joint interim committee on postconviction exonerations is established to:

- (1) study the cause of and investigate wrongful criminal convictions;
- (2) identify appropriate improvements in the criminal justice system to prevent future wrongful convictions;
- (3) recommend policies, procedures, practices, and legislation needed to prevent future wrongful convictions; and
- (4) assess the procedures used by counties to ensure due process and suggest a statewide model for procedures ensuring due process.

(b) The interim committee is composed of the following nine members:

- (1) an attorney who represents the state in the prosecution of felonies, as appointed by the attorney general;
- (2) two members of the criminal justice committee of the senate who are appointed by the lieutenant governor;
- (3) two members of the criminal jurisprudence committee of the house of representatives who are appointed by the speaker of the house;
- (4) a member of the judiciary who is appointed by the chief justice of the supreme court;
- (5) two law professors who are appointed by the chancellor of The University of Texas System, one of whom works in the forensic science field; and
- (6) a criminal defense attorney who is appointed by the Texas Criminal Defense Lawyers Association.

(c) The lieutenant governor shall designate one of the members of that committee who are appointed to the interim committee as described by Subsection (b) to serve as the chair of the interim committee.

(d) The interim committee shall meet initially at the call of the chair of the interim committee, and the interim committee shall subsequently hold meetings and public hearings at the call of the chair. To the extent that it is financially possible, the interim committee shall hold public hearings in multiple locations across this state.

(e) The interim committee may issue process as provided by the senate and house of representatives rules of procedure and by Section 301.024, Government Code, and has all other powers and duties provided to special committees by the senate and house of representatives rules of procedure, by Subchapter B, Chapter 301, Government Code, and by policies of the committees on administration.

(f) From the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally, the members of the interim committee shall be reimbursed for expenses incurred in carrying out the provisions of this Act in accordance with the senate and house of representatives rules of procedure and the policies of the committees on administration. Other necessary expenses of operations shall be paid from the contingent expense fund of the senate and the contingent expense fund of the house of representatives equally.

(g) Not later than October 1, 2004, the interim committee shall prepare and deliver to the governor, the lieutenant governor, and the speaker of the house of representatives copies of the report containing the interim committee's findings and recommendations.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

SECTION 3. A person or association required to appoint a member to the joint interim committee on postconviction exonerations shall make the appointment not later than October 1, 2003.

WILLIAMS
ELLIS

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

RECORD OF VOTES

Senators Estes and Nelson asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 1.

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

SB 1045 as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Estes and Nelson asked to be recorded as voting "Nay" on the passage of **SB 1045** to engrossment.

SENATE BILL 1045 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1045** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Averitt, Barrientos, Bivins, Brimer, Carona, Deuell, Duncan, Ellis, Fraser, Gallegos, Harris, Hinojosa, Jackson, Janek, Lindsay, Lucio, Madla, Ogden, Ratliff, Shapiro, Shapleigh, Staples, Van de Putte, Wentworth, West, Whitmire, Williams, Zaffirini.

Nays: Estes, Nelson.

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

RECORD OF VOTES

Senators Estes and Nelson asked to be recorded as voting "Nay" on the final passage of **SB 1045**.

COMMITTEE SUBSTITUTE HOUSE BILL 15 ON SECOND READING

Senator Williams moved to suspend the regular order of business to take up for consideration **CSHB 15** at this time on its second reading:

CSHB 15, Relating to regulation of abortion; creating an offense.

The motion prevailed by the following vote: Yeas 21, Nays 9.

Yeas: Armbrister, Averitt, Bivins, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Harris, Jackson, Janek, Lucio, Madla, Nelson, Ogden, Ratliff, Shapiro, Staples, Williams, Zaffirini.

Nays: Barrientos, Ellis, Hinojosa, Lindsay, Shapleigh, Van de Putte, Wentworth, West, Whitmire.

Absent: Gallegos.

The bill was read second time.

Senator Van de Putte offered the following amendment to the bill:

Floor Amendment No. 1

Amend **CSHB 15** as follows:

On page 1, line 55 between "cancer" and the semi-colon insert ", although, the increased risk theory is disputed by The National Institutes of Health, The American Cancer Society, The American Medical Association, and The World Health Organization among others"

The floor amendment was read.

On motion of Senator Van de Putte, Floor Amendment No. 1 was withdrawn.

Senator Barrientos offered the following amendment to the bill:

Floor Amendment No. 2

Amend **CSHB 15** (Senate committee printing), on page 1, line 39, between "emergency," and "consent", by inserting "or in cases when the pregnancy results from rape or incest, or severe and irreversible abnormality in the fetus is detected, or abortion is deemed medically necessary".

The floor amendment was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Barrientos, Ellis, Gallegos, Hinojosa, Lindsay, Lucio, Shapleigh, Van de Putte, Wentworth, West, Whitmire.

Nays: Armbrister, Averitt, Bivins, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Harris, Jackson, Janek, Madla, Nelson, Ogden, Ratliff, Shapiro, Staples, Williams, Zaffirini.

CSHB 15 was passed to third reading by the following vote: Yeas 21, Nays 10.

Yeas: Armbrister, Averitt, Bivins, Brimer, Carona, Deuell, Duncan, Estes, Fraser, Harris, Jackson, Janek, Lucio, Madla, Nelson, Ogden, Ratliff, Shapiro, Staples, Williams, Zaffirini.

Nays: Barrientos, Ellis, Gallegos, Hinojosa, Lindsay, Shapleigh, Van de Putte, Wentworth, West, Whitmire.

BILLS AND RESOLUTIONS SIGNED

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

HB 227, HB 263, HB 295, HB 501, HB 854, HB 884, HB 1150, HB 1226, HB 1231, HB 1364, HB 1564, HB 1949, HB 2031, HB 2133, HCR 5, HCR 6, HCR 56, HCR 57, HCR 102, HCR 196, HCR 201, HCR 221, HJR 3.

SENATE RESOLUTION 873

Senator West offered the following resolution:

WHEREAS, Celebrated entertainer Steve Harvey has established himself as one of the premier comedians in the world, and it is indeed a privilege to pay tribute to him at this time; and

WHEREAS, A native of Cleveland, Ohio, Mr. Harvey is best known as the host of the popular *It's Showtime at the Apollo* and as the star and creative force behind *The Steve Harvey Show*, the critically acclaimed television program that captured four NAACP Image Awards during its six-year run; and

WHEREAS, One of the "Original Kings of Comedy," this mustachioed comic actor made the successful transition from comedy clubs to television and the big screen; he has recently been seen as the host of the "2002 Essence Awards Television Special," the "Essence Music Festival," and the "2002 BET Awards"; and

WHEREAS, Mr. Harvey has received numerous honors and accolades for his work, including four NAACP Image Awards as "Outstanding Actor in a Comedy Series" and selection as the NAACP Image Awards "Entertainer of the Year"; he also hosts Los Angeles's number one morning radio show, which was recently syndicated in Houston and Dallas; and

WHEREAS, A versatile and talented actor, comedian, and all-around entertainer, Steve Harvey continues to bring laughter and joy into the lives of countless Americans, and we are all the richer for his efforts; now, therefore, be it

RESOLVED, That the Senate of the 78th Texas Legislature hereby recognize May 20, 2003, as Steve Harvey Day in the State of Texas and extend best wishes to Mr. Harvey for continued success in his endeavors; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. Harvey as an expression of high regard by the Texas Senate.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Steve Harvey, international comedian, accompanied by his bodyguard, William Freeman.

The Senate welcomed its guests.

SENATE RESOLUTION 888

Senator West offered the following resolution:

WHEREAS, Rushion McDonald is a talented writer, producer, and comedian, and his continued success in the entertainment business is bringing laughter and joy into the lives of millions of fans; and

WHEREAS, A native of Houston's Fifth Ward, Mr. McDonald is a graduate of Forest Brook Senior High School and earned a bachelor's degree in mathematics from the University of Houston; in 1986, he left his job with IBM to pursue a career as a stand-up comedian, and six years later he opened his own comedy club, the Hip-Hop Comedy Stop; and

WHEREAS, Mr. McDonald's work as a comedy writer led to jobs as story editor for ABC's *Me and the Boys* and as executive story editor for the WB's *The Parent Hood*; he began work as coproducer of *The Arsenio Hall Show* in 1996, and he has since served as supervising producer for the WB's popular sitcom *Sister, Sister*, co-executive producer for the WB's *The Jamie Foxx Show*, and consulting producer for UPN's *The Parkers*; and

WHEREAS, A man of great imagination, he is the creator and executive producer of *The Hoodie Awards* and is currently developing shows for Disney Television and Mike Young Productions; also a leader in talent management, he is helping to guide the careers of comedians Steve Harvey and J. Anthony Brown; and

WHEREAS, Rushion McDonald has followed his dreams to build a successful career in the entertainment industry, and his dedication and commitment to excellence are an inspiration to all who know him; now, therefore, be it

RESOLVED, That the Senate of the 78th Texas Legislature hereby honor Rushion McDonald for his contributions to the field of entertainment and extend to him best wishes for continued success and happiness in all his endeavors; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Mr. McDonald as an expression of high regard by the Texas Senate.

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate Rushion McDonald, writer and comedian, accompanied by Al Freeman.

The Senate welcomed its guests.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

May 20, 2003

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

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

HB 1306 (House concurs by a vote of 139 yeas, 0 nays, 1 pnv)

THE HOUSE HAS REFUSED TO CONCUR IN SENATE AMENDMENTS TO THE FOLLOWING MEASURES AND REQUESTS THE APPOINTMENT OF A CONFERENCE COMMITTEE TO ADJUST THE DIFFERENCES BETWEEN THE TWO HOUSES:

HB 555

House Conferees: Chisum - Chair/Gutierrez/Hardcastle/Kuempel/Smith, Wayne/

THE HOUSE HAS GRANTED THE REQUEST OF THE SENATE FOR THE APPOINTMENT OF A CONFERENCE COMMITTEE ON THE FOLLOWING MEASURES:

SB 418

House Conferees: Smithee - Chair/Eiland/Isett/Jones, Elizabeth/Truitt/

SB 521

House Conferees: Hardcastle - Chair/Flores/Grusendorf/Haggerty/Marchant/

SB 716

House Conferees: Krusee - Chair/Callegari/Eiland/Eissler/Hamric/

SB 1224

House Conferees: Keel - Chair/Garza/Lewis/Stick/Talton/

Respectfully,

/s/Robert Haney, Chief Clerk
House of Representatives

SENATE RULES SUSPENDED
(Posting Rules)

On motion of Senator Ogden and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Infrastructure Development and Security might meet and consider **HB 1699** tomorrow.

SENATE RULE 11.18(a) SUSPENDED
(Public Hearings)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Government Organization might consider **HB 2933** tomorrow.

SENATE RULE 11.18(a) SUSPENDED
(Public Hearings)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Criminal Justice might consider **HB 2343** today.

SENATE RULE 11.18(a) SUSPENDED
(Public Hearings)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.18(a) was suspended in order that the Committee on Natural Resources might consider the following bills today:

SB 1914, HB 151, HB 1203, HB 1931, HB 2044, HB 2877, HB 3366.

SENATE RULE 11.13 SUSPENDED
(Consideration of Bills in Committees)

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.13 was suspended to grant all committees permission to meet while the Senate is meeting today.

MOTION TO ADJOURN

On motion of Senator Whitmire and by unanimous consent, the Senate at 3:40 p.m. agreed to adjourn, upon completion of the introduction of bills and resolutions on first reading, until 11:00 a.m. tomorrow.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

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

HB 124 to Committee on Business and Commerce.

HB 145 to Committee on State Affairs.

HB 404 to Committee on State Affairs.

HB 445 to Committee on Jurisprudence.

HB 461 to Committee on Jurisprudence.

HB 650 to Committee on Business and Commerce.

HB 923 to Committee on Infrastructure Development and Security.

HB 926 to Committee on Infrastructure Development and Security.
HB 1114 to Committee on Criminal Justice.
HB 1230 to Committee on Criminal Justice.
HB 1251 to Committee on Administration.
HB 1432 to Committee on Intergovernmental Relations.
HB 1465 to Committee on Business and Commerce.
HB 1497 to Committee on Jurisprudence.
HB 1504 to Committee on Education.
HB 1525 to Committee on State Affairs.
HB 1660 to Committee on Criminal Justice.
HB 1777 to Committee on Intergovernmental Relations.
HB 1823 to Committee on Natural Resources.
HB 1826 to Committee on Infrastructure Development and Security.
HB 1828 to Committee on Criminal Justice.
HB 1905 to Committee on Intergovernmental Relations.
HB 1913 to Committee on Infrastructure Development and Security.
HB 1930 to Committee on Health and Human Services.
HB 2005 to Committee on Business and Commerce.
HB 2075 to Committee on Health and Human Services.
HB 2095 to Committee on State Affairs.
HB 2117 to Committee on Education.
HB 2150 to Committee on State Affairs.
HB 2180 to Committee on Business and Commerce.
HB 2198 to Committee on State Affairs.
HB 2255 to Committee on Intergovernmental Relations.
HB 2323 to Committee on State Affairs.
HB 2424 to Committee on Finance.
HB 2428 to Committee on Health and Human Services.
HB 2444 to Committee on Natural Resources.
HB 2540 to Committee on Veteran Affairs and Military Installations.
HB 2544 to Committee on Criminal Justice.
HB 2562 to Committee on State Affairs.
HB 2579 to Committee on Business and Commerce.
HB 2599 to Committee on Jurisprudence.
HB 2677 to Committee on Administration.
HB 2702 to Committee on Health and Human Services.
HB 2751 to Committee on Infrastructure Development and Security.
HB 2801 to Committee on Intergovernmental Relations.
HB 2819 to Committee on Intergovernmental Relations.
HB 2844 to Committee on Intergovernmental Relations.
HB 2856 to Committee on Jurisprudence.
HB 2915 to Committee on Education.
HB 2923 to Committee on Jurisprudence.
HB 2930 to Committee on Administration.
HB 2951 to Committee on Administration.
HB 3009 to Committee on Administration.

HB 3035 to Committee on Natural Resources.
HB 3103 to Committee on Infrastructure Development and Security.
HB 3139 to Committee on Business and Commerce.
HB 3157 to Committee on Natural Resources.
HB 3167 to Committee on Intergovernmental Relations.
HB 3209 to Committee on Education.
HB 3264 to Committee on Health and Human Services.
HB 3308 to Committee on Business and Commerce.
HB 3552 to Committee on Administration.
HB 3565 to Committee on Natural Resources.
HB 3567 to Committee on Natural Resources.
HB 3573 to Committee on Intergovernmental Relations.
HB 3583 to Committee on Intergovernmental Relations.
HB 3584 to Committee on Intergovernmental Relations.
HB 3612 to Committee on Natural Resources.
HCR 92 to Committee on Administration.
HCR 101 to Committee on Health and Human Services.
HCR 194 to Committee on State Affairs.

**CONFERENCE COMMITTEE REPORT ON
 SENATE BILL 104**

Senator Nelson submitted the following Conference Committee Report:

Austin, Texas
 May 14, 2003

Honorable David Dewhurst
 President of the Senate

Honorable Tom Craddick
 Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on **SB 104** have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

NELSON
 LINDSAY
 DEUELL
 HARRIS
 GALLEGOS

On the part of the Senate

ALLEN
 PITTS
 NIXON
 CAPELO

On the part of the House

A BILL TO BE ENTITLED
 AN ACT

relating to the regulation and enforcement of the practice of medicine by the Texas State Board of Medical Examiners.

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

SECTION 1. Subdivision (2), Subsection (a), Section 151.002, Occupations Code, is amended to read as follows:

(2) "Continuing threat to the public welfare" means a real ~~[and present]~~ danger to the health of a physician's patients or to the public from the acts or omissions of the physician caused through the physician's lack of competence, impaired status, or failure to care adequately for the physician's patients, as determined by:

- (A) the board;
- (B) a medical peer review committee in this state;
- (C) a physician licensed to practice medicine in this state or otherwise lawfully practicing medicine in this state;
- (D) a physician engaged in graduate medical education or training; or
- (E) a medical student.

SECTION 2. Subsection (d), Section 153.051, Occupations Code, is amended to read as follows:

(d) The board may not set, charge, collect, receive, or deposit any of the following fees in excess of:

- (1) \$900 for a license;
- (2) ~~\$400~~ ~~[\$200]~~ for a first ~~[annual]~~ registration permit;
- (3) \$200 for a temporary license;
- (4) ~~\$400~~ ~~[\$200]~~ for renewal of a ~~[an annual]~~ registration permit;
- (5) \$200 for a physician-in-training permit;
- (6) ~~\$600~~ ~~[\$300]~~ for the processing of an application and the issuance of a ~~[an annual]~~ registration for anesthesia in an outpatient setting;
- (7) \$200 for an endorsement to other state medical boards;
- (8) \$200 for a duplicate license; or
- (9) \$700 for a reinstated license after cancellation for cause.

SECTION 3. Section 153.053, Occupations Code, is amended to read as follows:

Sec. 153.053. SURCHARGE FOR CERTAIN FEES. (a) The board shall collect a fee ~~[an additional \$200]~~ surcharge as follows ~~[for each of the following fees]:~~

- (1) ~~\$200 for the license fee;~~
- (2) ~~\$400 for the first [annual] registration permit;~~
- (3) ~~\$400 for renewal of a [annual] registration permit; and~~
- (4) ~~\$200 for reinstatement of a license after cancellation for cause.~~

(b) Of each surcharge collected under Subsections (a)(1) and (4), the board shall deposit \$50 to the credit of the foundation school fund and \$150 to the credit of the general revenue fund.

(c) Of each surcharge collected under Subsections (a)(2) and (3), the board shall deposit \$100 to the credit of the foundation school fund and \$300 to the credit of the general revenue fund.

SECTION 4. Subchapter B, Chapter 153, Occupations Code, is amended by adding Section 153.0535 to read as follows:

Sec. 153.0535. SURCHARGE FOR REGISTRATION PERMIT. (a) The board shall collect an additional \$80 surcharge for each of the following fees:

- (1) first registration permit; and
- (2) renewal of a registration permit.

(b) The board shall deposit each surcharge collected to the credit of the public assurance account. The public assurance account is an account in the general revenue fund that shall be appropriated only to the board to pay for the board's enforcement program, including the expert physician panel.

SECTION 5. Subchapter B, Chapter 153, Occupations Code, is amended by adding Section 153.056 to read as follows:

Sec. 153.056. REPORT ON PENDING COMPLAINTS. The board shall include with its annual financial report information regarding any investigations that remain pending after one year, including the reasons the investigations remain pending. Information in the report under this section may not identify a patient for any purpose unless proper consent to the release is given by the patient.

SECTION 6. Subsection (a), Section 154.002, Occupations Code, is amended to read as follows:

(a) The board shall prepare:

- (1) an alphabetical list of the names of the license holders;
- (2) an alphabetical list of the names of the license holders by the county in which the license holder's principal place of practice is located;
- (3) a summary of the board's functions;
- (4) a copy of this subtitle and a list of other laws relating to the practice of medicine;
- (5) a copy of the board's rules; ~~and~~
- (6) a statistical report each fiscal year to the legislature and the public that provides aggregate information about all complaints received by the board categorized by type of complaint, including administrative, quality of care, medical error, substance abuse, other criminal behavior, and the disposition of those complaints by category; and

(7) other information considered appropriate by the board.

SECTION 7. Section 154.006, Occupations Code, is amended by amending Subsections (a), (b), and (g) and adding Subsections (i) and (j) to read as follows:

(a) The board shall create a profile of each physician licensed under this subtitle. The profile must:

- (1) include the information required by Subsection (b); and
- (2) be compiled in a format that makes ~~[permits the board to make]~~ the information contained in the profile easily available to the public.

(b) A profile must contain the following information on each physician:

- (1) the name of each medical school attended and the dates of:
 - (A) graduation; or
 - (B) Fifth Pathway designation and completion of the Fifth Pathway Program;
- (2) a description of all graduate medical education in the United States or Canada;
- (3) any specialty certification held by the physician and issued by a medical licensing board that is a member of the American Board of Medical Specialties or the Bureau of Osteopathic Specialists;

- (4) the number of years the physician has actively practiced medicine in:
 - (A) the United States or Canada; and
 - (B) this state;
- (5) the name of each hospital in this state in which the physician has privileges;
- (6) the physician's primary practice location;
- (7) the type of language translating services, including translating services for a person with impairment of hearing, that the physician provides at the physician's primary practice location;
- (8) whether the physician participates in the Medicaid program;
- (9) a description of any conviction for a felony, a Class A or Class B misdemeanor, or a Class C misdemeanor involving moral turpitude [~~during the 10 year period preceding the date of the profile~~];
- (10) a description of any charges reported to the board [~~during the 10 year period preceding the date of the profile~~] to which the physician has pleaded no contest, for which the physician is the subject of deferred adjudication or pretrial diversion, or in which sufficient facts of guilt were found and the matter was continued by a court;
- (11) a description of any disciplinary action against the physician by the board [~~during the 10 year period preceding the date of the profile~~];
- (12) a description of any disciplinary action against the physician by a medical licensing board of another state [~~during the 10 year period preceding the date of the profile~~];
- (13) a description of the final resolution taken by the board on medical malpractice claims or complaints required to be opened by the board under Section 164.201;
- (14) whether the physician's patient service areas are accessible to disabled persons, as defined by federal law; ~~and~~
- (15) a description of any formal complaint against the physician initiated and filed under Section 164.005 and the status of the complaint; and
- (16) a description of any medical malpractice claim against the physician, not including a description of any offers by the physician to settle the claim, for which the physician was found liable, a jury awarded monetary damages to the claimant, and the award has been determined to be final and not subject to further appeal.

(g) The board shall update the information contained in a physician's profile annually, except that information provided under Subsection (i) shall be updated not later than the 10th working day after the date the formal complaint is filed or the board's order is issued. The board shall adopt a form that allows a physician to update information contained in a physician's profile. The form shall be made available on the Internet and in other formats as prescribed by board rule. The board may adopt rules concerning the type and content of additional information that may be included in a physician's profile.

(i) In addition to the information required by Subsection (b), a profile must contain the text of a formal complaint filed under Section 164.005 against the physician or of a board order related to the formal complaint.

(j) Information included in a physician's profile under Subsections (b) and (i) may not include any patient identifying information.

SECTION 8. Section 154.054, Occupations Code, is amended to read as follows:

Sec. 154.054. COMPLAINT INFORMATION TO HEALTH CARE ENTITY. On written request, the board shall provide information to a health care entity regarding:

(1) a complaint filed against a license holder that was resolved after investigation by:

- (A) a disciplinary order of the board; or
- (B) an agreed settlement; and

(2) the basis of and current status of any complaint under active investigation that has been assigned by the executive director to a person authorized by the board to pursue legal action.

SECTION 9. Section 154.056, Occupations Code, is amended by amending Subsection (a) and adding Subsections (e) and (f) to read as follows:

(a) The board shall adopt rules concerning the investigation and review of a complaint filed with the board. The rules adopted under this section must:

(1) distinguish among categories of complaints and give priority to complaints that involve sexual misconduct, quality of care, and impaired physician issues;

(2) ensure that a complaint is not dismissed without appropriate consideration;

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

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

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

(6) provide for an expert physician panel authorized under Subsection (e) to assist with complaints and investigations relating to medical competency; and

(7) require the review of reports filed with the National Practitioner Data Bank for any report of the termination, limitation, suspension, limitation in scope of practice, or probation of clinical or hospital staff privileges of a physician by:

(A) a hospital;

(B) a health maintenance organization;

(C) an independent practice association;

(D) an approved nonprofit health corporation certified under Section

162.001; or

(E) a physician network.

(e) The board by rule shall provide for an expert physician panel appointed by the board to assist with complaints and investigations relating to medical competency. Each member of an expert physician panel must be licensed to practice medicine in

this state. The rules adopted under this subsection must include provisions governing the composition of the panel, qualifications for membership on the panel, and the duties to be performed by the panel.

(f) In the board rules adopted under Subsection (a)(3), the board shall require that the letter informing the person who filed the complaint of the dismissal of the complaint include an explanation of the reason the complaint was dismissed.

SECTION 10. Section 154.058, Occupations Code, is amended to read as follows:

Sec. 154.058. DETERMINATION OF MEDICAL COMPETENCY. (a) Each complaint against a physician that requires a determination of medical competency shall be reviewed initially by a board member, consultant, or employee with a medical background considered sufficient by the board.

(b) If the initial review under Subsection (a) indicates that an act by a physician falls below an acceptable standard of care, the complaint shall be reviewed by an expert physician panel authorized under Section 154.056(e) consisting of physicians who practice in the same specialty as the physician who is the subject of the complaint or in another specialty that is similar to the physician's specialty.

(c) The expert physician panel shall report in writing the panel's determinations based on the review of the complaint under Subsection (b). The report must specify the standard of care that applies to the facts that are the basis of the complaint and the clinical basis for the panel's determinations, including any reliance on peer-reviewed journals, studies, or reports.

SECTION 11. The heading to Chapter 156, Occupations Code, is amended to read as follows:

CHAPTER 156. REGISTRATION OF PHYSICIANS

[LICENSE RENEWAL]

SECTION 12. Section 156.001, Occupations Code, is amended to read as follows:

Sec. 156.001. ~~[ANNUAL]~~ REGISTRATION REQUIREMENTS AND PROCEDURES ~~[REQUIRED; REGISTRATION PROCEDURE]~~. (a) Each person licensed to practice medicine in this state must register with the board every two years ~~[annually]~~. The initial ~~[annual]~~ registration permit shall be issued with the license and expires on the last day of the birth month of the license holder.

(b) Except as provided by Section 156.002, the application for registration must be accompanied by a ~~[an annual]~~ registration permit fee in an amount set by the board regardless of whether the person is practicing medicine in this state.

(c) A license holder may renew the ~~[annual]~~ registration permit by submitting to the board, on or before the expiration date of the ~~[annual]~~ registration permit, the required renewal application and registration renewal fee. Each ~~[annual]~~ registration permit renewal application must include:

(1) the license holder's name, ~~[and]~~ mailing address, and, if one is available, address for receipt of electronic mail;

(2) the primary place ~~[or places]~~ at which the license holder is engaged in the practice of medicine; and

(3) other necessary information as prescribed by ~~[the]~~ board rule.

(d) If the license holder ~~[person]~~ is licensed to practice medicine by another state or country or by the uniformed services of the United States, the registration renewal application must include a description of any investigation the license holder ~~[person]~~ knows is in progress and any sanction imposed by or disciplinary matter pending in the state, country, or service regarding the license holder ~~[person]~~.

SECTION 13. Section 156.002, Occupations Code, is amended to read as follows:

Sec. 156.002. EXEMPTION FOR CERTAIN PHYSICIANS. (a) The board by rule may exempt a retired physician from the ~~[annual]~~ registration permit fee requirement.

(b) A physician licensed by the board whose only practice is voluntary charity care, as defined by board rule, is exempt from the ~~[annual]~~ registration permit fee requirement.

SECTION 14. Section 156.003, Occupations Code, is amended to read as follows:

Sec. 156.003. STAGGERED RENEWAL SYSTEM. (a) The board by rule may adopt a system under which ~~[annual]~~ registration permits expire on various dates during the two-year registration period ~~[year]~~.

(b) For the registration period ~~[year]~~ in which the expiration date is changed, ~~[annual]~~ registration permit fees shall be prorated. On renewal of the registration on the new expiration date, the total ~~[annual]~~ registration permit fee is payable.

SECTION 15. Section 156.004, Occupations Code, is amended to read as follows:

Sec. 156.004. NOTICE OF EXPIRATION. The board shall send a ~~[mail an annual]~~ registration permit renewal application notice to each physician at the physician's last known address according to the board's records at least 30 days before the expiration date of the ~~[annual]~~ registration permit. The board shall provide for a 30-day grace period for renewing the ~~[annual]~~ registration permit from the date of the expiration of the permit.

SECTION 16. Section 156.005, Occupations Code, is amended to read as follows:

Sec. 156.005. RENEWAL OF CERTAIN REGISTRATION PERMITS. (a) If a person's ~~[annual]~~ registration permit has been expired for 90 days or less, the person may renew the permit by submitting to the board the required registration renewal application, the registration renewal fee, and a \$75 ~~[\$50]~~ penalty fee.

(b) If the person's ~~[annual]~~ registration permit has been expired for longer than 90 days but less than one year, the person may renew the permit by submitting to the board the required registration renewal application, the registration renewal fee, and a \$150 ~~[\$100]~~ penalty fee.

(c) If the person's ~~[annual]~~ registration permit has been expired for one year or longer, the person's license is automatically ~~[considered to have been]~~ canceled, unless an investigation is pending, and the person may not renew the ~~[annual]~~ registration permit.

(d) A physician whose license is automatically ~~[considered]~~ canceled may obtain a new license by ~~[submitting to reexamination and]~~ complying with the requirements, fees, and procedures for obtaining a new license. The board may issue a new license without examination to a person whose license is automatically ~~[considered]~~ canceled for less than two years.

SECTION 17. Section 156.007, Occupations Code, is amended to read as follows:

Sec. 156.007. ISSUANCE OF ~~[ANNUAL]~~ REGISTRATION PERMIT. (a) On receipt of a registration renewal application and all required fees, the board, after ascertaining from the records of the board or from other sources considered reliable by the board that the applicant is a physician in this state and meets all other requirements for registration, shall issue to the applicant a ~~[an annual]~~ registration permit certifying that the applicant has filed the application, has paid the ~~[annual]~~ registration permit fee for the registration period ~~[year]~~, and has completed the requirements for ~~[annual]~~ registration.

(b) The filing of the registration renewal application, the payment of the required fees, and the issuance of the permit do ~~[does]~~ not entitle the permit holder to practice medicine in this state unless:

(1) the permit holder has been previously licensed as a physician by the board, as prescribed by law; ~~[and]~~

(2) the license to practice medicine is in effect;

(3) the permit holder has met the continuing medical education requirements; and

(4) the permit holder has submitted a current complete physician profile.

SECTION 18. Section 156.008, Occupations Code, is amended to read as follows:

Sec. 156.008. PRACTICING MEDICINE WITHOUT ~~[ANNUAL]~~ REGISTRATION PROHIBITED. (a) Practicing medicine after the expiration of the 30-day grace period under Section 156.004 following expiration of a ~~[an annual]~~ registration permit that has not been renewed for the current registration period ~~[year]~~ as provided by this subchapter has the same effect as, and is subject to all penalties of, practicing medicine without a license.

(b) In a prosecution for the unlawful practice of medicine, the receipt showing payment of the ~~[annual]~~ registration fee required by this chapter does not constitute evidence that the receipt holder is lawfully entitled to practice medicine.

SECTION 19. Section 156.009, Occupations Code, is amended to read as follows:

Sec. 156.009. INACTIVE STATUS. The board may adopt rules and set reasonable fees relating to placing license holders on inactive status. ~~[The board by rule shall set a time limit for the period during which a license holder may remain on inactive status.]~~

SECTION 20. Subsections (a) and (d), Section 156.051, Occupations Code, are amended to read as follows:

(a) The board by rule shall adopt, monitor, and enforce a reporting program for the continuing medical education of license holders. The board shall adopt and administer rules that:

(1) establish the number of hours of continuing medical education the board determines appropriate as a prerequisite to the ~~[annual]~~ registration of a license under this subtitle;

(2) require at least one-half of the hours of continuing medical education established under Subdivision (1) to be board approved; and

(3) adopt a process to assess a license holder's participation in continuing medical education courses.

(d) This section does not apply to a license holder who is ~~[retired and is]~~ exempt by rule from paying the ~~[annual]~~ registration fee under Section 156.002(a).

SECTION 21. Section 156.052, Occupations Code, is amended to read as follows:

Sec. 156.052. PRESUMPTION OF COMPLIANCE FOR CERTAIN LICENSE HOLDERS. A license holder is presumed to be in compliance with the requirements of this subchapter if, during the 36 months preceding the date of the required ~~[annual]~~ registration, the license holder becomes board certified or recertified by ~~[in]~~ a ~~[medical]~~ specialty board approved by ~~[and that medical specialty program considers the standards of:~~

~~[(1)]~~ the American Board of Medical Specialties~~;~~

~~[(2)]~~ the American Medical Association;

~~[(3)]~~ the Advisory Board for Osteopathic Specialists and Boards of Certification~~;~~ or

~~[(4)]~~ the American Osteopathic Association Bureau of Osteopathic Specialists.

SECTION 22. Section 156.053, Occupations Code, is amended to read as follows:

Sec. 156.053. TEMPORARY EXEMPTION. (a) The board may temporarily exempt a license holder from the continuing medical education requirement on the basis of ~~[for]~~:

(1) catastrophic illness;

(2) military service outside this state for longer than one year;

(3) medical practice and residence outside the United States for longer than one year; or

(4) good cause shown on the written application of the license holder that provides evidence satisfactory to the board that the license holder is unable to comply with the requirement.

(b) A temporary exemption granted under Subsection (a) may not exceed one year but may be renewed ~~[annually]~~.

SECTION 23. Subsection (a), Section 160.052, Occupations Code, is amended to read as follows:

(a) Each insurer shall submit to the board the report or other information described by Section 160.053 at the time prescribed. The insurer shall provide the report or information with respect to:

(1) a ~~[notice of claim letter or]~~ complaint filed against an insured in a court, if the ~~[notice of claim letter or]~~ complaint seeks damages relating to the insured's conduct in providing or failing to provide a medical or health care service; and

(2) settlement of a claim without the filing of a lawsuit or settlement of a lawsuit made on behalf of the insured involving damages relating to the insured's conduct in providing or failing to provide a medical or health care service.

SECTION 24. Section 160.053, Occupations Code, is amended to read as follows:

Sec. 160.053. CONTENTS OF REPORT; ADDITIONAL INFORMATION. (a) Not later than the 30th day after the date an insurer receives from an insured a ~~notice of claim letter or~~ complaint filed in a lawsuit, a settlement of a claim without the filing of a lawsuit, or a settlement of a lawsuit against the ~~[from an]~~ insured, the insurer shall furnish to the board:

- (1) the name of the insured and the insured's Texas medical license number;
- (2) the policy number; ~~[and]~~
- (3) a copy of the ~~[notice of claim letter or]~~ complaint or settlement; and
- (4) a copy of any expert report filed under Section 13.01, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes).

(b) The board, in consultation with the commissioner, shall adopt rules for reporting additional information as the board requires. In adopting the rules, the board shall consider other claim reports required under state and federal statutes in determining the information to be reported, form of the report, and frequency of reporting. The rules adopted by the board under this subsection must require that the following additional ~~[Additional]~~ information be reported ~~[the board requires may include]~~:

- (1) the date of a judgment, dismissal, or settlement;
- (2) whether an appeal has been taken and by which party; and
- (3) the amount of the settlement or judgment against the insured.

SECTION 25. Subsection (a), Section 162.104, Occupations Code, is amended to read as follows:

(a) The board shall require each physician who administers anesthesia or performs a surgical procedure for which anesthesia services are provided in an outpatient setting to ~~[annually]~~ register with the board on a form prescribed by the board and to pay a fee to the board in an amount established by the board.

SECTION 26. Section 164.001, Occupations Code, is amended by adding Subsections (f) through (i) to read as follows:

(f) The board by rule shall adopt a schedule of the disciplinary sanctions that the board may impose under this subchapter. In adopting the schedule of sanctions, the board shall ensure that the severity of the sanction imposed is appropriate to the type of violation or conduct that is the basis for disciplinary action.

(g) In determining the appropriate disciplinary action, including the amount of any administrative penalty to assess, the board shall consider whether the person:

- (1) is being disciplined for multiple violations of this subtitle or a rule or order adopted under this subtitle; or

- (2) has previously been the subject of disciplinary action by the board.

(h) In the case of a person described by:

(1) Subsection (g)(1), the board shall consider taking a more severe disciplinary action, including revocation of the person's license, than the disciplinary action that would be taken for a single violation; and

(2) Subsection (g)(2), the board shall consider revoking the person's license if the person has repeatedly been the subject of disciplinary action by the board.

(i) If the board chooses not to revoke the license of a person described by Subsection (g)(2), the board shall consider taking a more severe disciplinary action than the disciplinary action previously taken.

SECTION 27. Section 164.003, Occupations Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) Rules adopted under this section must require that:

(1) an informal meeting in compliance with Section 2001.054, Government Code, be scheduled not later than the 180th day after the date the complaint is filed with the board under Section 154.051, unless good cause is shown by the board for scheduling the informal meeting after that date;

(2) the board give notice to the license holder of the time and place of the meeting not later than the 30th day before the date the meeting is held;

(3) the complainant and the license holder be provided an opportunity to be heard;

(4) ~~(2)~~ the board's legal counsel or a representative of the attorney general be present to advise the board or the board's staff; and

(5) ~~(3)~~ a member of the board's staff at the meeting present to the board's representative the facts the staff reasonably believes it could prove by competent evidence or qualified witnesses at a hearing.

(e) If the license holder has previously been the subject of disciplinary action by the board, the board shall schedule the informal meeting as soon as practicable but not later than the deadline prescribed by Subsection (b)(1).

SECTION 28. Subchapter A, Chapter 164, Occupations Code, is amended by adding Section 164.0035 to read as follows:

Sec. 164.0035. DISMISSAL OF BASELESS COMPLAINT. If, during the 180-day period prescribed by Section 164.003(b)(1), the board determines that the complaint is a baseless or unfounded complaint, the board shall dismiss the complaint and include a statement in the records of the complaint that the reason for the dismissal is because the complaint was baseless or unfounded. The board shall adopt rules that establish criteria for determining that a complaint is baseless or unfounded.

SECTION 29. Section 164.010, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The board shall immediately investigate:

(1) a violation of a disciplinary order by a license holder described by Subsection (a); or

(2) a complaint filed against a license holder described by Subsection (a).

SECTION 30. Subsection (c), Section 164.011, Occupations Code, is amended to read as follows:

(c) A stay or injunction may not be granted if the license holder's continued practice presents a danger to the public. A stay or injunction may not be granted for a term that exceeds 120 days.

SECTION 31. Section 164.051, Occupations Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) The board may refuse to admit a person to its examination or refuse to issue a license to practice medicine and may take disciplinary action against a person if the person:

(1) commits an act prohibited under Section 164.052;

(2) is convicted of, or is placed on deferred adjudication community supervision or deferred disposition for:

(A) a felony; or

(B) a misdemeanor involving moral turpitude;

(3) commits or attempts to commit a direct or indirect violation of a rule adopted under this subtitle, either as a principal, accessory, or accomplice;

(4) is unable to practice medicine with reasonable skill and safety to patients because of:

(A) illness;

(B) drunkenness;

(C) excessive use of drugs, narcotics, chemicals, or another substance;

or

(D) a mental or physical condition;

(5) is found by a court judgment to be of unsound mind;

(6) fails to practice medicine in an acceptable professional manner consistent with public health and welfare;

(7) is removed, suspended, or is subject to disciplinary action taken by the person's peers in a local, regional, state, or national professional medical association or society, or is disciplined by a licensed hospital or medical staff of a hospital, including removal, suspension, limitation of hospital privileges, or other disciplinary action, if the board finds that the action:

(A) was based on unprofessional conduct or professional incompetence that was likely to harm the public; and

(B) was appropriate and reasonably supported by evidence submitted to the board;

(8) is subject to repeated or recurring meritorious health care liability claims that in the board's opinion evidence professional incompetence likely to injure the public; or

(9) except as provided by Subsection (d), holds a license to practice medicine subject to disciplinary action by another state, or subject to disciplinary action by the uniformed services of the United States, based on acts by the person that are prohibited under Section 164.052 or are similar to acts described by this subsection.

(c) A certified copy of the record of another state that takes action described by Subsection (a)(9) or (d) is conclusive evidence of that action.

(d) The board shall revoke a license issued under this subtitle if the license holder held a license to practice medicine in another state that has been revoked by the licensing authority in that state.

SECTION 32. Subsection (a), Section 164.053, Occupations Code, is amended to read as follows:

(a) For purposes of Section 164.052(a)(5), unprofessional or dishonorable conduct likely to deceive or defraud the public includes conduct in which a physician:

(1) commits an act that violates any ~~[the laws of this]~~ state or federal law if the act is connected with the physician's practice of medicine;

(2) fails to keep complete and accurate records of purchases and disposals of:

(A) drugs listed in Chapter 481, Health and Safety Code; or

(B) controlled substances scheduled in the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.);

(3) writes prescriptions for or dispenses to a person who:

(A) is known to be an abuser of narcotic drugs, controlled substances, or dangerous drugs; or

(B) the physician should have known was an abuser of narcotic drugs, controlled substances, or dangerous drugs;

(4) writes false or fictitious prescriptions for:

(A) dangerous drugs as defined by Chapter 483, Health and Safety Code; or

(B) controlled substances scheduled in Chapter 481, Health and Safety Code, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.);

(5) prescribes or administers a drug or treatment that is nontherapeutic in nature or nontherapeutic in the manner the drug or treatment is administered or prescribed;

(6) prescribes, administers, or dispenses in a manner inconsistent with public health and welfare:

(A) dangerous drugs as defined by Chapter 483, Health and Safety Code; or

(B) controlled substances scheduled in Chapter 481, Health and Safety Code, or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.);

(7) violates Section 311.0025, Health and Safety Code;

(8) fails to supervise adequately the activities of those acting under the supervision of the physician; or

(9) delegates professional medical responsibility or acts to a person if the delegating physician knows or has reason to know that the person is not qualified by training, experience, or licensure to perform the responsibility or acts.

SECTION 33. Section 164.057, Occupations Code, is amended to read as follows:

Sec. 164.057. REQUIRED SUSPENSION OR REVOCATION OF LICENSE FOR CERTAIN ~~[FELONY]~~ OFFENSES. (a) The board shall suspend a physician's license on proof that the physician has been:

(1) initially convicted of:

(A) a felony;

(B) a misdemeanor under Chapter 22, Penal Code, other than a misdemeanor punishable by fine only;

(C) a misdemeanor on conviction of which a defendant is required to register as a sex offender under Chapter 62, Code of Criminal Procedure;

(D) a misdemeanor under Section 25.07, Penal Code; or

(E) a misdemeanor under Section 25.071, Penal Code; or

(2) subject to an initial finding by the trier of fact of guilt of a felony under:

(A) ~~[(1)]~~ Chapter 481 or 483, Health and Safety Code;

(B) ~~[(2)]~~ Section 485.033, Health and Safety Code; or

(C) ~~[(3)]~~ the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Section 801 et seq.).

(b) On final conviction for an offense ~~[a felony]~~ described by Subsection (a), the board shall revoke the physician's license.

SECTION 34. Section 164.059, Occupations Code, is amended to read as follows:

Sec. 164.059. TEMPORARY SUSPENSION OR RESTRICTION OF LICENSE. (a) The president of the board ~~[, with board approval,]~~ shall appoint a three-member disciplinary panel consisting of board members to determine whether a person's license to practice medicine should be temporarily suspended or restricted.

(b) If the disciplinary panel determines from the evidence ~~[or information]~~ presented to the panel that a person licensed to practice medicine would, by the person's continuation in practice, constitute a continuing threat to the public welfare, the disciplinary panel shall temporarily suspend or restrict the license of that person.

(c) A license may be suspended or restricted by a disciplinary panel under this section without notice or hearing ~~[on the complaint]~~ if:

(1) the board immediately provides notice of the suspension or restriction to the license holder; and

(2) ~~[institution of proceedings for]~~ a hearing on the temporary suspension or restriction before a disciplinary panel of the board is scheduled for the earliest possible date after 10 days' notice of hearing ~~[initiated simultaneously with the temporary suspension; and~~

~~[(2) a hearing is held under Chapter 2001, Government Code, and this subtitle as soon as possible].~~

(d) Notwithstanding Chapter 551, Government Code, the disciplinary panel may hold a meeting by telephone conference call if immediate action is required and convening of the panel at one location is inconvenient for any member of the disciplinary panel.

(e) After the hearing before the disciplinary panel described by Subsection (c), if the disciplinary panel affirms the temporary suspension or restriction of the license holder's license, the board shall schedule an informal compliance meeting that meets the requirements of Section 2001.054(c), Government Code, and Section 164.004 of this code to be held as soon as practicable, unless the license holder waives the informal meeting or an informal meeting has already been held with regard to the issues that are the basis for the temporary suspension or restriction.

(f) If the license holder is unable to show compliance at the informal meeting described by Subsection (e) regarding the issues that are the basis for the temporary suspension or restriction, a board representative shall file a formal complaint under Section 164.005 as soon as practicable.

(g) If, after the hearing described by Subsection (c), the disciplinary panel does not temporarily suspend or restrict the license holder's license, the facts that were the basis for the temporary suspension or restriction may not be the sole basis of another proceeding to temporarily suspend or restrict the license holder's license. The board may use those same facts in a subsequent investigation to obtain new information that may be the basis for the temporary suspension or restriction of the license holder's license. For purposes of this subsection, facts that are the basis for the temporary suspension or restriction of a license holder's license include facts presented to the disciplinary panel and facts presented by the board or a representative of the board at the time evidence was presented to the disciplinary panel.

SECTION 35. Subsection (c), Section 164.060, Occupations Code, is amended to read as follows:

(c) If the board, during its review of a complaint against a physician, discovers an act or omission that may constitute a felony, a misdemeanor involving moral turpitude, a violation of state or federal narcotics or controlled substance laws, ~~or~~ an offense involving fraud or abuse under the Medicare or Medicaid programs, or a violation of the workers' compensation laws under Subtitle A, Title 5, Labor Code, the board shall immediately report that act or omission to the appropriate prosecuting and regulatory authorities ~~[authority]~~.

SECTION 36. Section 164.201, Occupations Code, is amended to read as follows:

Sec. 164.201. REVIEW BY BOARD IF THREE OR MORE MALPRACTICE CLAIMS. The board shall review the medical competency of [information relating to] a physician against whom three or more expert reports under Section 13.01, Medical Liability and Insurance Improvement Act of Texas (Article 4590i, Vernon's Texas Civil Statutes), have been filed in three separate lawsuits [malpractice claims have been reported under Subchapter B, Chapter 154,] within a five-year period in the same manner as if a complaint against the physician had been made to the board under Section 154.051.

SECTION 37. Section 165.152(c), Occupations Code, is amended to read as follows:

(c) An offense under Subsection (a) is a ~~[Class A misdemeanor, except that if it is shown in the trial of the offense that the defendant has previously been convicted under Subsection (a), the offense is a]~~ felony of the third degree.

SECTION 38. Subchapter B, Chapter 408, Labor Code, is amended by adding Section 408.030 to read as follows:

Sec. 408.030. REPORTS OF PHYSICIAN VIOLATIONS. If the commission discovers an act or omission by a physician that may constitute a felony, a misdemeanor involving moral turpitude, a violation of a state or federal narcotics or controlled substance law, an offense involving fraud or abuse under the Medicare or Medicaid program, or a violation of this subtitle, the commission shall immediately report that act or omission to the Texas State Board of Medical Examiners.

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

(b) The Texas State Board of Medical Examiners shall adopt rules required by Section 164.001(f), Occupations Code, as added by this Act, not later than January 1, 2004.

(c) The change in law made by this Act by the amendment of Section 164.051, Occupations Code, applies to a physician whose license to practice medicine in another state was revoked on, before, or after the effective date of this Act.

(d) The change in law made by this Act by the amendment of Section 164.057, Occupations Code, applies only to a person who is initially convicted of an offense on or after the effective date of this Act. A person initially convicted of an offense before that date is governed by the law in effect on the date the conviction occurred, and the former law is continued in effect for that purpose.

SECTION 40. (a) The changes in law made by this Act relating to the biennial registration of physicians apply to a person who files with the Texas State Board of Medical Examiners an application for registration under Chapter 156, Occupations Code, as amended by this Act, on or after January 1, 2005. A person who files an application before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(b) The Texas State Board of Medical Examiners may adopt a staggered registration system as provided by Section 156.003, Occupations Code, as amended by this Act, on or after September 1, 2004.

(c) The Texas State Board of Medical Examiners shall adopt the rules required by Chapter 156, Occupations Code, as amended by this Act, not later than December 1, 2003.

SECTION 41. The change in law made by this Act by the enactment of Section 153.0535, Occupations Code, applies to a registration permit fee that becomes due on or after January 1, 2004. A registration permit fee that becomes due before that date is governed by the law in effect on the date the fee became due, and the former law is continued in effect for that purpose.

SECTION 42. Subsection (a), Section 160.052, and Subsection (a), Section 160.053, Occupations Code, as amended by this Act, apply only to a settlement entered into on or after the effective date of this Act. A settlement entered into before the effective date of this Act is governed by the law as it existed on the date the settlement was entered into, and that law is continued in effect for that purpose.

SECTION 43. The change in law made by this Act by the amendment of Section 165.152(c), Occupations Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 44. The change in law made by this Act relating to the investigation and disposition of a complaint and any proceeding begun as a result of a complaint investigation applies only to a complaint filed with the Texas State Board of Medical Examiners on or after the effective date of this Act. A complaint filed before the effective date of this Act is governed by the law in effect on the date the complaint was made, and the former law is continued in effect for that purpose.

The Conference Committee Report was filed with the Secretary of the Senate.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 914 by Averitt, In memory of Scott Jamar of Sweetwater.

HCR 257 (Deuell), In memory of Jesse W. Orr of the Birthright community.

Congratulatory Resolutions

SR 911 by Gallegos, Commending the Houston Minority Business Council for their efforts on behalf of minority business enterprises.

SR 912 by Staples, Commending the citizens of Jasper who are participating in the city's U.S. Military Family Blue Star Banner Ceremony.

SR 913 by Averitt, Commending Alan Barkemeyer for his achievements as accounting coach at Rosebud-Lott High School.

SR 917 by Barrientos, Commending audiologists and speech-language pathologists for helping people with communication disorders.

SR 919 by Madla, Congratulating Darcy Ripley of Fort Stockton for winning the grand prize in the middle school category of the Texas Tomorrow Funds Poster Contest.

SR 920 by Fraser, Commending Jeanette Pursley for her contributions to the educational system of Texas.

(Senator Averitt in Chair)

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 3:46 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

May 20, 2003

ADMINISTRATION — **HB 2242, HB 2348, HB 2474, HB 2683, HB 3089, HB 3477, HB 3542, HB 3575**

GOVERNMENT ORGANIZATION — **CSSB 1952**

EDUCATION — **HB 411** (Amended), **CSHB 567, CSHB 1912**

INTERNATIONAL RELATIONS AND TRADE — CSHB 3420

JURISPRUDENCE — CSHB 803, CSHB 1590, HB 2188 (Amended), HB 2189 (Amended)

INTERGOVERNMENTAL RELATIONS — HB 722, CSHB 1773, CSHB 1997, HB 2043, HB 2147, HB 2162, HB 2322, HB 2386, HB 2764, HB 2924, HB 3102, HB 3232, CSHB 3592, CSSB 1166, CSSB 1943

STATE AFFAIRS — HJR 59, HJR 62, HB 146, HB 500, CSHB 897, HB 1274, HB 2032, HB 2149, HB 2152, HB 2154, HB 2158, SJR 4, SB 627, SB 1951

INFRASTRUCTURE DEVELOPMENT AND SECURITY — HB 623, HB 946, HB 1512, HB 1831, HB 2905

JURISPRUDENCE — HB 885, HB 1885, HB 1899, HB 1985, HB 3087, HB 3597, HB 3605

NATURAL RESOURCES — CSHB 1005, CSHB 1378, CSHB 2533, CSHB 3028

INFRASTRUCTURE DEVELOPMENT AND SECURITY — CSHB 3017

ADMINISTRATION — HB 2192 (Amended), CSHB 3248

JURISPRUDENCE — HB 518 (Amended)

CRIMINAL JUSTICE — HB 1713, HB 2668

SIGNED BY GOVERNOR

May 19, 2003

SB 1091

FILED WITHOUT SIGNATURE OF GOVERNOR

May 19, 2003

SB 394

