

SEVENTY-NINTH DAY

(CONTINUED)

WEDNESDAY, MAY 28, 2003

PROCEEDINGS

AFTER RECESS

The Senate met at 7:30 a.m. and was called to order by Senator Hinojosa.

SESSION HELD FOR LOCAL AND UNCONTESTED CALENDAR

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions were laid before the Senate in the order listed, read second time, amended where applicable, passed to engrossment or third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

SB 780 (Armbrister) Relating to a requirement that certain irrigation systems have rain shut-off devices.
(31-0) (31-0)

CSSB 1166 (Barrientos) Relating to conditions of employment for a peace officer or a detention officer employed by certain sheriff's departments.
(31-0) (31-0)

SB 1953 (Van de Putte) Relating to the criminal consequences of conduct that involves the trafficking of persons; providing penalties.
(31-0) (31-0)

SB 1956 (Ellis) Relating to the creation of the Fourth Ward Management District; providing the authority to impose taxes and issue bonds.
(31-0) (31-0)

SCR 56 (Armbrister) Directing the White-tailed Deer Advisory Committee to address how habitat relates to the ecological diversity of the state and to study the role of the wildlife biologist in the development of management plans and in the utilization of suitable management practices, including population goals and control, yearly census data, supplemental feeding and food plots, and genetic management.
(viva voce vote)

HB 12 (Armbrister) Relating to the prosecution of the offense of disorderly conduct.
(31-0) (31-0)

HB 13 (Wentworth) Relating to making arrest warrants and certain affidavits made in support of the issuance of arrest warrants available for public inspection.
(31-0) (31-0)

HB 32 (Deuell) Relating to certain writs of habeas corpus based solely on a claim of a time-served credit error.
(31-0) (31-0)

HB 42 (Duncan) Relating to venue in the prosecution of the offenses of escape and unauthorized absence.
(31-0) (31-0)

CSHB 59 (Van de Putte) Relating to the offense of aggravated kidnapping, the punishment for the offense of kidnapping, and the definition of and punishment for the offense of trafficking in persons.
(31-0) (31-0)

HB 124 (Van de Putte) Relating to property insurance coverage for certain jewelry.
(31-0) (31-0)

HB 135 (Shapiro) Relating to the requirements of an auctioneer's license.
(31-0) (31-0)

HB 136 (Nelson) Relating to limiting the amount of county, municipal, or junior college district ad valorem taxes that may be imposed on the residence homesteads of the disabled and of the elderly and their surviving spouses.
(31-0) (31-0)

HB 145 (Fraser) Relating to workers' compensation dispute resolution.
(31-0) (31-0)

HB 146 (Estes) Relating to jury duty on general election day.
(31-0) (31-0)

CSHB 151 (Estes) Relating to offenses involving dogs or coyotes that are a danger to livestock and other animals.
(31-0) (31-0)

HB 155 (Whitmire) Relating to prohibiting a sex offender from owning or serving in certain capacities on behalf of a sexually oriented business; creating an offense and providing a penalty.
(31-0) (31-0)

HB 162 (Averitt) Relating to the requirements for a petition to change the name of an adult.
(31-0) (31-0)

HB 171 (Whitmire) Relating to the authority of a district court to order the expunction of arrest records and files for certain persons.
(31-0) (31-0)

HB 177 (West) Relating to the regulation of certain international matchmaking organizations; providing a civil penalty.

(31-0) (31-0)

HB 193 (Averitt) Relating to the number of members of an appraisal review board.

(31-0) (31-0)

HB 208 (Lucio) Relating to persons who may obtain a mechanic's lien on real property.

(31-0) (31-0)

CSHB 236 (Shapiro) Relating to the punishment for the offense of obscenity and to certain consequences related to convictions for certain sex offenses.

(31-0) (31-0)

HB 240 (Fraser) Relating to the punishment for criminal mischief committed by intentionally introducing infectious diseases into livestock.

(31-0) (31-0)

CSHB 249 (Madla) Relating to the returned check fee collected by a county clerk.

(31-0) (31-0)

HB 253 (Armbrister) Relating to granting, renewing, or amending a license or registration under the Texas Radiation Control Act.

(31-0) (31-0)

HB 254 (Armbrister) Relating to venue in the prosecution of the offense of fraudulent use or possession of identifying information.

(31-0) (31-0)

HB 256 (Shapiro) Relating to excused absences for religious holy days for students in institutions of higher education.

(31-0) (31-0)

HB 274 (Armbrister) Relating to the prosecution of the offense of harassment by persons in certain correctional and detention facilities.

(31-0) (31-0)

HB 297 (Estes) Relating to the duration and effect of a magistrate's order for emergency protection.

(31-0) (31-0)

HB 298 (Nelson) Relating to prohibiting the disclosure of personal customer information by the Parks and Wildlife Department.

(31-0) (31-0)

HB 301 (Whitmire) Relating to the eligibility of certain persons to represent a person before the Board of Pardons and Paroles or a parole panel.

(31-0) (31-0)

CSHB 341 (Lindsay) Relating to parenting and postpartum counseling information to be provided to a pregnant woman.

(31-0) (31-0)

HB 390 (Averitt) Relating to the effect of tax increment financing by certain taxing units in the calculation of ad valorem tax rates for those taxing units.

(31-0) (31-0)

HB 402 (Shapiro) Relating to a pilot program involving the use of an electronic registration system.

(31-0) (31-0)

HB 403 (Madla) Relating to the penalty for premature disclosure of voting results.

(31-0) (31-0)

HB 406 (Williams) Relating to proceeds received by a person accused or convicted of a crime from publicizing the crime.

(31-0) (31-0)

HB 408 (Fraser) Relating to the liability of landowners for certain uses of their land.

(31-0) (31-0)

HB 415 (West) Relating to state funding of courses offered for joint high school and junior college credit.

(31-0) (31-0)

HB 418 (Lindsay) Relating to fines collected for child safety belt offenses.

(31-0) (31-0)

HB 420 (Zaffirini) Relating to the punishment for certain property offenses committed against an elderly individual.

(31-0) (31-0)

HB 424 (Staples) Relating to the regulation of certain housing authorities; providing a penalty.

(31-0) (31-0)

HB 447 (Zaffirini) Relating to state assessment of academic skills of public school students in special education programs.

(31-0) (31-0)

HB 453 (Shapleigh) Relating to a pilot program for early childhood teacher education and retention.

(31-0) (31-0)

HB 469 (Deuell) Relating to the placement in a juvenile justice alternative education program of certain students with disabilities.

(31-0) (31-0)

HB 470 (Carona) Relating to the labeling, advertising, and sale of halal foods; providing a criminal penalty.

(31-0) (31-0)

CSHB 479 (Armbrister) Relating to registration with the Selective Service System of certain applicants for a driver's license or personal identification certificate.

(31-0) (31-0)

HB 500 (Carona) Relating to the confidentiality of certain information contained in applications for ad valorem tax exemptions; providing criminal penalties.
(31-0) (31-0)

HB 508 (Williams) Relating to notice of an increase in certain rates or charges for certain group policies or contracts.
(31-0) (31-0)

HB 552 (Janek) Relating to expulsion of students from public schools for certain conduct.
(31-0) (31-0)

HB 559 (Deuell) Relating to the disposition of certain contraband.
(31-0) (31-0)

HB 560 (Madla) Relating to vehicles left unattended on certain parking facilities and to the removal and storage of those vehicles.
(31-0) (31-0)

HB 565 (Jackson) Relating to the punishments for the offenses of assault and aggravated assault committed against a security officer.
(31-0) (31-0)

HB 573 (Van de Putte) Relating to the Texas Legislative Medal of Honor and other state military awards.
(31-0) (31-0)

HB 616 (Van de Putte on behalf of Hinojosa) Relating to the punishment for the offense of terroristic threat.
(31-0) (31-0)

HB 645 (Armbrister) Relating to prohibiting the creation or enforcement of certain restrictive covenants that undermine water conservation.
(30-1) Staples "Nay" (30-1) Staples "Nay"

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend SECTION 1 of **HB 645**, House engrossment, on page 3, line 11, to strike "10,000" and replace with "4000".

The committee 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 649 (Estes) Relating to creating an interagency work group on rural issues.
(31-0) (31-0)

HB 653 (Janek) Relating to a shampoo apprentice permit.
(31-0) (31-0)

HB 670 (Estes) Relating to the use of pseudonyms for victims of certain criminal offenses connected to the commission of a sex offense.
(31-0) (31-0)

HB 674 (Lucio) Relating to the modification of certain child support orders.
(31-0) (31-0)

HB 703 (Janek) Relating to the property tax appraisal of property located in more than one appraisal district.
(31-0) (31-0)

HB 705 (Nelson) Relating to liability of in-home service companies and residential delivery companies for negligent hiring.
(31-0) (31-0)

Senator Nelson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 705**, on page 3, by adding paragraph (c) starting on line 17 to read as follows:

(c) A residential delivery company or an in-home service company that sends two or more employees together into a residence shall be deemed to have complied with the requirement in Section 145.002 as long as at least one of those employees has been checked as described in Section 145.002 and, while they are in the residence, that employee accompanies and directly supervises any employee who have not been checked, and the residential delivery company or in-home service company maintains a record of the identity of any such non-checked employees for at least two years.

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

Senator Nelson offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 705** as follows:

On page 3, line 1 insert "for a felony or in the ten years preceding the date of the information was obtained for a misdemeanor," between "obtained" and "the officer".

The committee amendment was read and 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.

CSHB 716 (Harris) Relating to the punishment for assaults committed against certain sports participants.
(31-0) (31-0)

CSHB 727 (Janek) Relating to disease management programs for certain Medicaid recipients.
(31-0) (31-0)

HB 830 (Ratliff) Relating to the number of jurors required for certain district court criminal trials.
(31-0) (31-0)

HB 831 (Deuell) Relating to regulation of the use of laser pointers; providing a criminal penalty.
(31-0) (31-0)

CSHB 849 (Jackson) Relating to the regulation of tow trucks, to the authority of a political subdivision of this state to regulate tow trucks, and to insurance for commercial motor vehicles; providing penalties.

(31-0) (31-0)

HB 875 (Whitmire) Relating to peace officers commissioned by the State Board of Dental Examiners.

(31-0) (31-0)

HB 885 (West) Relating to the rights of spouses in relation to separate and community property.

(31-0) (31-0)

HB 888 (Whitmire) Relating to progressive sanctions programs for juvenile offenders.

(31-0) (31-0)

HB 893 (Brimer) Relating to the correction of an appraisal roll, a tax roll, and other appropriate records following the final determination of an ad valorem tax appeal.

(31-0) (31-0)

CSHB 897 (Nelson) Relating to the operation of certain employer coalitions and cooperatives established for the provision of health benefits coverage.

(31-0) (31-0)

CSHB 942 (Van de Putte on behalf of Hinojosa) Relating to certain bond requirements for persons engaged in certain activities under the jurisdiction of the Railroad Commission of Texas other than the ownership or operation of wells.

(31-0) (31-0)

CSHB 944 (Estes) Relating to the admission to public institutions of higher education of students with nontraditional secondary educations.

(31-0) (31-0)

HB 946 (Wentworth) Relating to the permissible size of certain recreational vehicles operated on a public highway.

(31-0) (31-0)

CSHB 948 (Fraser) Relating to the composition of the Texas Racing Commission.

(31-0) (31-0)

HB 983 (Staples) Relating to the authority of an ad valorem tax appraisal district to obtain certain criminal history record information relating to an applicant for employment.

(31-0) (31-0)

CSHB 999 (Ellis) Relating to electronic reporting of political contributions and expenditures.

(31-0) (31-0)

HB 1027 (Armbrister) Relating to the confidentiality of crime victim information.

(31-0) (31-0)

HB 1036 (Shapiro) Relating to the confidentiality of certain reports of criminal activity and to immunity from civil liability for certain persons making or receiving those reports.

(31-0) (31-0)

HB 1046 (Duncan) Relating to an application for registration of a commercial fertilizer.

(31-0) (31-0)

HB 1050 (Gallegos) Relating to school attendance of a child placed in substitute care.

(31-0) (31-0)

HB 1053 (Ellis) Relating to the confidentiality of social security numbers in certain circumstances.

(31-0) (31-0)

Senator Ellis offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1053**, SECTION 1, Sec. 145.001, Civil Practice and Remedies Code, page 1, line 16, by adding new subsection (c) to read as follows:

(c) This chapter does not apply to: (1) court records; (2) public records.

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

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

HB 1060 (Ellis) Relating to prohibiting the promotion of certain improper photographs or visual recordings; providing a penalty.

(31-0) (31-0)

HB 1077 (West) Relating to removal of remains interred in a cemetery.

(31-0) (31-0)

HB 1087 (Gallegos) Relating to longevity pay for county jailers employed by certain sheriff's departments.

(31-0) (31-0)

HB 1090 (Averitt) Relating to the authority of the Texas Department on Aging to establish a prescription drug information and assistance program.

(31-0) (31-0)

CSHB 1097 (Gallegos) Relating to the birth defects monitoring program.

(31-0) (31-0)

CSHB 1108 (Madla) Relating to emergency services districts.

(31-0) (31-0)

HB 1114 (Gallegos) Relating to the criminal offense of selling an alcoholic beverage to certain persons.

(31-0) (31-0)

CSHB 1119 (Brimer) Relating to the disposition of cruelly treated animals and to punishment for the offense of cruelty to animals.

(31-0) (31-0)

CSHB 1129 (Gallegos) Relating to enforcement of certain types of restrictions in certain municipalities.

(31-0) (31-0)

HB 1146 (Janek) Relating to a limitation on audits of an open-enrollment charter school.

(31-0) (31-0)

Senator Janek offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1146** by amending SECTION 1 to read as follows:

SECTION 1. Section 12.1163, Education Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) To the extent consistent with this section [~~Subsection (b)~~], the commissioner may audit the records of:

- (1) an open-enrollment charter school;
- (2) a charter holder; and
- (3) a management company.

(b) An audit under Subsection (a) must be limited to matters directly related to the management or operation of an open-enrollment charter school, including any financial and administrative records.

(c) Unless the commissioner has specific cause to conduct an additional audit, the commissioner may not conduct more than one on-site audit under Section 12.1163 during any fiscal year, including any financial and administrative records. For purposes of this subsection, an audit of a charter holder or management company associated with an open-enrollment charter school is not considered an audit of the school.

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

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

HB 1163 (Harris) Relating to contracts between certain health care providers and health benefit plans.

(31-0) (31-0)

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amendment for **HB 1163** as engrossed:

Repeal Section 6 and add new sections to read as follows:

SECTION 6. Subsection (B), Section 2, Chapter 397, Acts of the 54th Legislature, Regular Session, 1955 (Article 3.70-2, Vernon's Texas Insurance Code), is amended to read as follows:

(B) No policy of accident and sickness insurance shall make benefits contingent upon treatment or examination by a particular practitioner or by particular practitioners of the healing arts hereinafter designated unless such policy contains a provision designating the practitioner or practitioners who will be recognized by the insurer and those who will not be recognized by the insurer. Such provision may be located in the "Exceptions" or "Exceptions and Reductions" provisions, or elsewhere in the policy, or by endorsement attached to the policy, at the insurer's option. In designating the practitioners who will and will not be recognized, such provision shall use the following terms: Doctor of Medicine, Doctor of Osteopathy, Doctor of Dentistry, Doctor of Chiropractic, Doctor of Optometry, Doctor of Podiatry, Licensed Audiologist, Licensed Speech-language Pathologist, Doctor in Psychology, Licensed Master Social Worker-Advanced Clinical Practitioner, Licensed Dietitian, Licensed Professional Counselor, Licensed Marriage and Family Therapist, Licensed Chemical Dependency Counselor, Licensed Hearing Instrument Fitter and Dispenser, Advanced Practice Nurse, Physician Assistant, Licensed Occupational Therapist, Licensed Physical Therapist, Licensed Acupuncturist, Licensed Psychological Associate, ~~and~~ Licensed Surgical Assistant, and Licensed Athletic Trainer.

For purposes of this Act, such designations shall have the following meanings:

Doctor of Medicine: One licensed by the Texas State Board of Medical Examiners on the basis of the degree "Doctor of Medicine";

Doctor of Osteopathy: One licensed by the Texas State Board of Medical Examiners on the basis of the degree of "Doctor of Osteopathy";

Doctor of Dentistry: One licensed by the State Board of Dental Examiners;

Doctor of Chiropractic: One licensed by the Texas Board of Chiropractic Examiners;

Doctor of Optometry: One licensed by the Texas Optometry Board;

Doctor of Podiatry: One licensed by the Texas State Board of Podiatric Medical Examiners;

Licensed Audiologist: One with a master's or doctorate degree in audiology from an accredited college or university and who is licensed as an audiologist by the State Board of Examiners for Speech-Language Pathology and Audiology;

Licensed Speech-language Pathologist: One with a master's or doctorate degree in speech pathology or speech-language pathology from an accredited college or university and who is licensed as a speech-language pathologist by the State Board of Examiners for Speech-Language Pathology and Audiology;

Doctor in Psychology: One licensed by the Texas State Board of Examiners of Psychologists and certified as a Health Service Provider;

Licensed Master Social Worker-Advanced Clinical Practitioner: One licensed by the Texas State Board of Social Worker Examiners as a Licensed Master Social Worker with the order of recognition of Advanced Clinical Practitioner;

Licensed Dietitian: One licensed by the Texas State Board of Examiners of Dietitians;

Licensed Professional Counselor: One licensed by the Texas State Board of Examiners of Professional Counselors;

Licensed Marriage and Family Therapist: One licensed by the Texas State Board of Examiners of Marriage and Family Therapists;

Licensed Chemical Dependency Counselor: One licensed by the Texas Commission on Alcohol and Drug Abuse;

Licensed Hearing Instrument Fitter and Dispenser: One licensed by the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;

Advanced Practice Nurse: One licensed by the Board of Nurse Examiners as a registered nurse and recognized by that board as an advanced practice nurse;

Physician Assistant: One licensed by the Texas State Board of Physician Assistant Examiners;

Licensed Occupational Therapist: One licensed by the Texas Board of Occupational Therapy Examiners;

Licensed Physical Therapist: One licensed by the Texas Board of Physical Therapy Examiners;

Licensed Acupuncturist: One licensed by the Texas State Board of Medical Examiners as an acupuncturist;

Licensed Psychological Associate: One licensed by the Texas State Board of Examiners of Psychologists and practicing under the supervision of a licensed psychologist; ~~and~~

Licensed Surgical Assistant: One licensed by the Texas State Board of Medical Examiners as a surgical assistant; and

Licensed Athletic Trainer: One licensed by the Advisory Board of Athletic Trainers.

SECTION 7. Section 1, Article 21.52, Insurance Code, as amended by Chapters 812 and 1014, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Sec. 1. DEFINITIONS. As used in this article:

(a) "health insurance policy" means any individual, group, blanket, or franchise insurance policy, insurance agreement, or group hospital service contract, providing benefits for medical or surgical expenses incurred as a result of an accident or sickness;

(b) "doctor of podiatric medicine" includes D.P.M., podiatrist, doctor of surgical chiropody, D.S.C. and chiropodist;

(c) "doctor of optometry" includes optometrist, doctor of optometry, and O.D.;

(d) "doctor of chiropractic" means a person who is licensed by the Texas Board of Chiropractic Examiners to practice chiropractic;

(e) "licensed dentist" means a person who is licensed to practice dentistry by the State Board of Dental Examiners;

(f) "licensed audiologist" means a person who has received a master's or doctorate degree in audiology from an accredited college or university and is licensed as an audiologist by the State Board of Examiners for Speech-Language Pathology and Audiology;

(g) "licensed speech-language pathologist" means a person who has received a master's or doctorate degree in speech-language pathology from an accredited college or university and is licensed as a speech-language pathologist by the State Board of Examiners for Speech-Language Pathology and Audiology;

(h) "licensed master social worker-advanced clinical practitioner" means a person who is licensed by the Texas State Board of Social Worker Examiners as a licensed master social worker with the order of recognition of advanced clinical practitioner;

(i) "licensed dietitian" means a person who is licensed by the Texas State Board of Examiners of Dietitians;

(j) "licensed professional counselor" means a person who is licensed by the Texas State Board of Examiners of Professional Counselors;

(k) "psychologist" means a person licensed to practice psychology by the Texas State Board of Examiners of Psychologists;

(l) "licensed marriage and family therapist" means a person who is licensed by the Texas State Board of Examiners of Marriage and Family Therapists;

(m) "licensed chemical dependency counselor" means a person who is licensed by the Texas Commission on Alcohol and Drug Abuse;

(n) "licensed hearing instrument fitter and dispenser" means a person who is licensed by the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments;

(o) "licensed psychological associate" means a person who is licensed by the Texas State Board of Examiners of Psychologists and who practices under the supervision of a licensed psychologist;

(p) "occupational therapist" means a person who is licensed to practice occupational therapy by the Texas Board of Occupational Therapy Examiners;

(q) "physical therapist" means a person who practices physical therapy and is licensed by the Texas Board of Physical Therapy Examiners;

(r) "advanced practice nurse" means a person licensed by the Board of Nurse Examiners and recognized by that board as an advanced practice nurse;

(s) "licensed acupuncturist" means a person licensed to practice acupuncture by the Texas State Board of Medical Examiners;

(t) "physician assistant" means a person licensed by the Texas State Board of Physician Assistant Examiners; ~~and~~

(u) "nurse first assistant" has the meaning assigned by Section 301.1525, Occupations Code;[-]

(v) [(+)] "Surgical assistant" means a person licensed by the Texas State Board of Medical Examiners as a surgical assistant; and

(w) "licensed athletic trainer" means a person licensed by the Advisory Board of Athletic Trainers.

SECTION 8. Subsection (a), Section 3, Article 21.52, Insurance Code, as amended by Chapters 812 and 1014, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(a) Any person who is issued, who is a party to, or who is a beneficiary under any health insurance policy delivered, renewed, or issued for delivery in this state by any insurance company, association, or organization to which this article applies may select:

(1) a licensed doctor of podiatric medicine, a licensed dentist, or a doctor of chiropractic to perform the medical or surgical services or procedures scheduled in the policy which fall within the scope of the license of that practitioner;

(2) a licensed doctor of optometry to perform the services or procedures scheduled in the policy which fall within the scope of the license of that doctor of optometry;

(3) an occupational therapist to provide the services scheduled in the policy which fall within the scope of the license of that occupational therapist;

(4) a physical therapist to provide the services scheduled in the policy which fall within the scope of the license of that physical therapist;

(5) a licensed audiologist to measure hearing for the purpose of determining the presence or extent of a hearing loss and to provide aural rehabilitation services to a person with a hearing loss if those services or procedures are scheduled in the policy;

(6) a licensed speech-language pathologist to evaluate speech and language and to provide habilitative and rehabilitative services to restore speech or language loss or to correct a speech or language impairment if those services or procedures are scheduled in the policy;

(7) a licensed master social worker-advanced clinical practitioner to provide the services that fall within the scope of the license of such certified practitioner and which are specified as services within the terms of the policy of insurance, including the provision of direct, diagnostic, preventive, or clinical services to individuals, families, and groups whose functioning is threatened or affected by social or psychological stress or health impairment, if those services or procedures are scheduled in the policy;

(8) a licensed dietitian including a provisional licensed dietitian under a licensed dietitian's supervision to provide the services that fall within the scope of the license of that dietitian if those services are scheduled in the policy;

(9) a licensed professional counselor to provide the services that fall within the scope of the license of that professional if those services are scheduled in the policy;

(10) a licensed marriage and family therapist to provide the services that fall within the scope of the license of that professional if those services are scheduled in the policy;

(11) a psychologist to perform the services or procedures scheduled in the policy that fall within the scope of the license of that psychologist;

(12) a licensed chemical dependency counselor to perform the services or procedures scheduled in the policy that fall within the scope of the license of that practitioner;

(13) a licensed acupuncturist to perform the services or procedures scheduled in the policy that fall within the scope of the license of that practitioner;

(14) an advanced practice nurse to provide the services scheduled in the policy that fall within the scope of the license of that practitioner;

(15) a physician assistant to provide the services scheduled in the policy that fall within the scope of the license of that practitioner;

(16) a licensed hearing instrument fitter and dispenser to provide the services or procedures scheduled in the policy that fall within the scope of the license of that practitioner;

(17) a licensed psychological associate to provide the services that fall within the scope of the license of that professional if those services are scheduled in the policy; ~~or~~

~~(18) [(47)]~~ a licensed surgical assistant to provide the services or procedures scheduled in the policy that fall within the scope of the license of that practitioner; ~~or~~

~~(19) [(48)]~~ a nurse first assistant to provide the services scheduled in the policy that:

(A) fall within the scope of the license of that practitioner; and

(B) are requested by the physician whom the nurse is assisting; or

(20) a licensed athletic trainer to provide the services that fall within the scope of the license of that professional if those services are scheduled in the policy.

SECTION 9. Subsection (c), Section 3, Article 21.52, Insurance Code, is amended to read as follows:

(c) The payment or reimbursement by the insurance company, association, or organization for services or procedures in accordance with the payment schedule or the payment provisions in the policy shall not be denied because the same were performed by a licensed doctor of podiatric medicine, a licensed doctor of optometry, a licensed doctor of chiropractic, a licensed dentist, an occupational therapist, a physical therapist, a licensed audiologist, a licensed speech-language pathologist, a licensed master social worker-advanced clinical practitioner, a licensed dietitian, a licensed professional counselor, a licensed marriage and family therapist, a psychologist, a licensed psychological associate, a licensed chemical dependency counselor, an advanced practice nurse, a nurse first assistant, a physician assistant, a licensed acupuncturist, ~~or~~ a licensed hearing instrument fitter and dispenser, or a licensed athletic trainer.

SECTION 10. Subsection (d), Section 3, Article 21.52, Insurance Code, as amended by Chapters 812 and 1014, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(d) There shall not be any classification, differentiation, or other discrimination in the payment schedule or the payment provisions in a health insurance policy, nor in the amount or manner of payment or reimbursement thereunder, between scheduled services or procedures when performed by a doctor of podiatric medicine, a doctor of optometry, a doctor of chiropractic, a licensed dentist, an occupational therapist, a physical therapist, a licensed athletic trainer, a licensed audiologist, a licensed speech-language pathologist, a licensed master social worker-advanced clinical practitioner, a licensed dietitian, a licensed professional counselor, a licensed marriage and family therapist, a psychologist, a licensed psychological associate, a licensed chemical dependency counselor, an advanced practice nurse to provide the services scheduled in the policy, a nurse first assistant to provide the services scheduled in the policy and requested by the physician whom the nurse is assisting, a physician assistant to provide the services scheduled in the policy, a licensed acupuncturist, or a licensed hearing instrument fitter and dispenser which fall within the scope of that practitioner's license or certification and the same services or procedures when performed by any other practitioner of the healing arts whose services or procedures are covered by the policy. However, a health insurance policy may provide for a different amount of payment or reimbursement for scheduled services or procedures

when performed by an advanced practice nurse, a nurse first assistant, licensed surgical assistant, or physician assistant provided the reimbursement methodology used to calculate the payment for the service or procedure is the same methodology used to calculate the payment when the service or procedure is provided by a physician.

SECTION 11. This takes effect September 1, 2003, and applies only to a health insurance policy or contract or an evidence of coverage that is delivered, issued for delivery, or renewed on or after January 1, 2004. A health insurance policy or contract or an evidence of coverage that is delivered, issued for delivery, or renewed before January 1, 2004, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

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

HB 1166 (Shapleigh) Relating to the on-line information needs and requirements of licensing agencies and their license holders.

(31-0) (31-0)

HB 1173 (Madla) Relating to the use of a building on a federal military base or facility as a polling place in an election.

(31-0) (31-0)

HB 1180 (Duncan) Relating to participation by a defendant in a state boot camp program.

(31-0) (31-0)

HB 1192 (Armbrister) Relating to the purchase of vehicles using alternative fuels by the Railroad Commission of Texas.

(31-0) (31-0)

HB 1193 (Armbrister) Relating to the annual gas utility report made by the Railroad Commission of Texas to the governor.

(31-0) (31-0)

HB 1194 (Armbrister) Relating to pipeline safety fees.

(31-0) (31-0)

HB 1195 (Armbrister) Relating to the fee for a reissued certificate of compliance for an oil lease or gas well.

(31-0) (31-0)

(Senator Janek in Chair)

HB 1202 (Van de Putte) Relating to recovery of certain funds received by an open-enrollment charter school.

(31-0) (31-0)

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

Committee Amendment No. 1

Amend **HB 1202** as follows:

(2) In SECTION 1 of the bill, between proposed Sections 12.1061(1) and 12.1061(2), Education Code (House engrossment, page 1, between lines 15 and 16), insert the following:

(2) the school:

(A) submits to the commissioner a timely request to revise the maximum student enrollment described by the school's charter and the commissioner does not notify the school in writing of an objection to the proposed revision before the 90th day after the date on which the commissioner received the request, provided that the number of students enrolled at the school does not exceed the enrollment described by the school's request; or

(B) exceeds the maximum student enrollment described by the school's charter only because a court mandated that a specific child enroll in that school; and

(3) In SECTION 1 of the bill, in proposed Section 12.1061, Education Code (House engrossment, page 1, line 16), strike "(2)" and substitute "(3)".

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

SECTION ____ . Section 12.114, Education Code, is amended to read as follows:

Sec. 12.114. REVISION. (a) A revision of a charter of an open-enrollment charter school may be made only with the approval of the commissioner.

(b) Not more than once each year, an open-enrollment charter school may request approval to revise the maximum student enrollment described by the school's charter.

The committee 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.

HB 1223 (Estes) Relating to continuation of a residence homestead ad valorem tax exemption when the owner temporarily ceases occupying the homestead due to military service or other causes.

(31-0) (31-0)

HB 1230 (Carona) Relating to risk management services for employees of community supervision and corrections departments.

(31-0) (31-0)

CSHB 1232 (Brimer) Relating to the expiration of alcoholic beverage permits and licenses.

(31-0) (31-0)

HB 1241 (Lindsay on behalf of Janek) Relating to measures to protect the state from theft, lost lottery tickets, or other losses incurred by or in connection with lottery sales agents.

(31-0) (31-0)

HB 1246 (Hinojosa) Relating to the prosecution of the offenses of sexual assault and aggravated sexual assault.

(31-0) (31-0)

CSHB 1247 (Madla) Relating to the creation, funding, and operation of a fire fighter and police officer home loan program.

(31-0) (31-0)

HB 1274 (Nelson) Relating to the procedure for collecting signatures on a petition filed in connection with a candidate's application for a place on the ballot.

(31-0) (31-0)

CSHB 1278 (Lindsay on behalf of Janek) Relating to an exemption from ad valorem taxation for property owned by a religious organization that is leased for use as a school or that is owned with the intent of expanding or constructing a religious facility.

(31-0) (31-0)

CSHB 1287 (Madla) Relating to the location and operation of certain portable facilities.

(31-0) (31-0)

HB 1326 (Whitmire) Relating to the civil and criminal consequences of racing a motor vehicle on a public highway or street and of being a spectator at an illegal motor vehicle racing event; providing penalties.

(31-0) (31-0)

Senator Whitmire offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1326** as follows:

(1) On page 1, delete lines 17-21.

(2) On page 3, line 10, delete "100" and insert "10"

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

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

HB 1329 (Staples) Relating to the liability insurance and security requirements for wood treaters and other persons engaged in the business of structural pest control.

(31-0) (31-0)

CSHB 1363 (Estes) Relating to funding for the Texas Academy of Mathematics and Science.

(31-0) (31-0)

HB 1372 (Whitmire) Relating to the operation of certain Texas Department of Criminal Justice industries and private sector prison industries programs.

(31-0) (31-0)

CSHB 1378 (Duncan) Relating to certain duties and information regarding water planning and development matters in the state.

(31-0) (31-0)

HB 1380 (Harris) Relating to certain products offered in connection with a consumer loan.

(31-0) (31-0)

HB 1401 (Carona) Relating to the implementation of Amber Alert or another system for publicly disseminating emergency information about abducted children by the Texas Lottery Commission.

(31-0) (31-0)

CSHB 1406 (Staples) Relating to a recommendation by a school district employee concerning a use of a psychotropic drug by a student or suggestion of a particular diagnosis and to refusal by a parent or certain other person to consent to administration of a psychotropic drug to a student or to psychiatric evaluation or examination of a student.

(31-0) (31-0)

CSHB 1420 (Madla) Relating to the use of a portion of medical school tuition for student loan repayment assistance for physicians.

(31-0) (31-0)

CSHB 1440 (Van de Putte) Relating to the frequency of public school teacher appraisals.

(31-0) (31-0)

HB 1441 (Williams) Relating to school districts that place an excessive number of students in certain special education instructional arrangements.

(31-0) (31-0)

HB 1458 (Jackson) Relating to criminal obstruction of or retaliation against an honorably retired peace officer.

(31-0) (31-0)

HB 1470 (Harris) Relating to guardianships and the jurisdiction of certain courts; providing a criminal penalty.

(31-0) (31-0)

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1470** on page 32, by striking lines 18 to 21 and substituting the following:

"(d) This section does not apply to a governmental entity where the taking, retention, or concealment of the ward was authorized by Subtitle E, Title 5, Family Code, or Chapter 48, Human Resources Code."

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

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

HB 1473 (Harris) Relating to probate matters.

(31-0) (31-0)

CSHB 1483 (Nelson) Relating to the regulation of the practice of nursing by the Board of Nurse Examiners and to the abolition of the Board of Vocational Nurse Examiners and the transfer of the functions of that agency to the Board of Nurse Examiners.

(31-0) (31-0)

CSHB 1493 (Harris) Relating to the foreclosure of property and the authority of a mortgage servicer to administer the foreclosure on behalf of a mortgagee.

(31-0) (31-0)

HB 1497 (Gallegos) Relating to the adoption of an adult.

(31-0) (31-0)

HB 1510 (Van de Putte) Relating to package store tasting permits.

(31-0) (31-0)

HB 1512 (Armbrister) Relating to meetings to exchange information regarding emergency management plans relating to pipeline safety.

(31-0) (31-0)

CSHB 1517 (West) Relating to publicizing a list of voters' rights.

(31-0) (31-0)

CSHB 1534 (Armbrister) Relating to certain powers of groundwater conservation districts.

(31-0) (31-0)

CSHB 1566 (Ratliff) Relating to Texas A&M University–Texarkana.

(31-0) (31-0)

CSHB 1575 (Lucio) Relating to cost-based transportation rates for natural gas.

(31-0) (31-0)

CSHB 1576 (Shapleigh) Relating to the telecommunications planning and oversight council.

(31-0) (31-0)

CSHB 1590 (Carona) Relating to multiple-party accounts.

(31-0) (31-0)

HB 1592 (Lindsay on behalf of Janek) Relating to the establishment of the offense of performing surgery while intoxicated.

(31-0) (31-0)

HB 1597 (Staples) Relating to the use of federal write-in absentee ballots by military and overseas personnel.

(31-0) (31-0)

HB 1602 (Ellis) Relating to the availability on the Internet of electronic reports of political contributions and expenditures.

(31-0) (31-0)

HB 1609 (Ellis) Relating to administration of certain oaths by an employee of a personal bond office.

(31-0) (31-0)

CSHB 1614 (Madla) Relating to the reporting of medical errors and the establishment of a patient safety program in hospitals, ambulatory surgical centers, and mental hospitals; providing an administrative penalty.

(31-0) (31-0)

HB 1615 (Fraser) Relating to requirements for door restrictors or firefighter's service applicable to certain elevators, escalators, or related equipment.

(31-0) (31-0)

HB 1621 (West) Relating to authorizing a public junior college to waive a portion of the tuition and fees for a student enrolled in a course for joint high school-junior college credit.

(31-0) (31-0)

Senator West offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1621** by adding the following sections:

SECTION ____: Chapter 130.123(e), Education Code, is amended to read as follows:

Sec. 130.123(e) In addition to the revenues, fees, and other resources authorized to be pledged to the payment of bonds issued hereunder, each board further shall be authorized to pledge irrevocably to such payment, out of the tuition charges required or permitted by law to be imposed at its institution or institutions, an amount not exceeding ~~[\$15]~~ 25 percent of the tuition charges collected from each enrolled student for each ~~[regular]~~ semester ~~or [and \$7.50 from each enrolled student for each summer]~~ term, and each board also shall be authorized to pledge to such payment all or any part of any grant, donation, or income received or to be received from the United States government or any other public or private source, whether pursuant to an agreement or otherwise.

SECTION ____: Chapter 56.033(a), Education Code, is amended to read as follows:

Sec. 56.033(a) The governing board of each institution of higher education, including the Texas State Technical College System, shall cause to be set aside:

(1) not less than 15 percent nor more than 20 percent out of each resident student's tuition charge under Section 54.051 as provided by the General Appropriations Act for the applicable academic year;

(2) three percent out of each nonresident student's tuition charge under Section 54.051;

(3) not less than six percent nor more than 20 percent out of each resident student's hourly tuition charge exclusive of out of district charges, and \$1.50 out of each nonresident student's hourly tuition charge, for academic courses at a public community or junior college; and

(4) not less than six percent nor more than 20 percent of hourly tuition charges exclusive of out of district charges for vocational-technical courses at a public community or junior college.

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

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

HB 1629 (Deuell) Relating to certain reports, records, offenses, and penalties under the Texas Controlled Substances Act.

(31-0) (31-0)

CSHB 1634 (Staples) Relating to the ability of a court to maintain jurisdiction over a person placed on community supervision who absconds and to defenses to revocation of community supervision.

(31-0) (31-0)

CSHB 1649 (Van de Putte) Relating to student fees charged at The University of Texas at San Antonio.

(31-0) (31-0)

CSHB 1650 (Van de Putte) Relating to student fees charged at The University of Texas at San Antonio.

(31-0) (31-0)

HB 1660 (Hinojosa) Relating to a report to the legislature regarding the installation and operation of video camera surveillance systems in county jails.

(31-0) (31-0)

Senator Hinojosa offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1660** (engrossed version), on page 2, between lines 12 and 13, by inserting a new subsection (b), Section 351.016, Local Government Code, to read as follows and redesignating existing Subsection (b) of that Subsection (c):

(b) The Commission on Jail Standards shall include in the report submitted under Subsection (a) information stating by county:

(1) the number of suicides committed by inmates confined in the county jail;

(2) the number of assaults committed against inmates confined in the county jail;

(3) the number of assaults committed by inmates confined in the county jail against the sheriff or an officer or employee of the county jail;

(4) the number of lawsuits filed against the county as a result of suicides and assaults;

(5) the costs incurred by the county in defending those lawsuits; and

(6) the judgments awarded against the county in those lawsuits.

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

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

HB 1661 (Jackson) Relating to the carrying of certain weapons by a person who holds a security officer commission issued by the Texas Commission on Private Security.

(31-0) (31-0)

Senator Jackson offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1661** by striking SECTION 2 and renumbering the subsequent sections accordingly.

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

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

HB 1675 (Madla) Relating to an extension of the state law supporting the Olympic and Pan American Games to cover the 2011 Pan American Games.

(31-0) (31-0)

HB 1678 (Armbrister) Relating to the creation, management, and use of the radiation and perpetual care account in the general revenue fund.

(31-0) (31-0)

HB 1681 (Wentworth) Relating to the amount of compensation and allowances for certain county auditors.

(31-0) (31-0)

HB 1686 (Deuell) Relating to pharmacies that maintain emergency medication kits at certain institutions.

(31-0) (31-0)

CSHB 1696 (Staples) Relating to the hours of service of a poll watcher on election day.

(31-0) (31-0)

HB 1697 (Staples) Relating to recounts of elections in which direct recording electronic voting machines were used.

(31-0) (31-0)

HB 1709 (Wentworth) Relating to the settlement of the guardianship of the estate of a ward.

(31-0) (31-0)

HB 1713 (Whitmire) Relating to an application for a writ of habeas corpus to seek relief related to community supervision.

(31-0) (31-0)

(Senator Hinojosa in Chair)

CSHB 1733 (Shapiro) Relating to certain records kept by persons who weigh cargo transported by commercial motor vehicles.

(31-0) (31-0)

(Senator Armbrister in Chair)

CSHB 1743 (Nelson) Relating to prevention of fraud and abuse under the medical assistance program; creating an offense.

(31-0) (31-0)

HB 1749 (Fraser) Relating to the security provided for revenue bonds issued by the Veterans' Land Board.

(31-0) (31-0)

HB 1767 (Williams) Relating to the approval of expenditures of certain incumbent county or precinct officers.

(31-0) (31-0)

HB 1769 (Shapiro) Relating to occupations regulated by the Texas Commission on Private Security.

(31-0) (31-0)

CSHB 1773 (Brimer) Relating to regulation of junked vehicles.

(31-0) (31-0)

HB 1777 (Jackson) Relating to allowing a political subdivision other than a county to change the date of its general election.

(31-0) (31-0)

HB 1784 (West) Relating to an offense of blocking an access aisle designed to aid persons with disabilities.

(31-0) (31-0)

HB 1791 (Jackson on behalf of Armbrister) Relating to permits for the commercial composting of certain solid wastes.

(31-0) (31-0)

HB 1797 (Averitt) Relating to group and blanket accident and health insurance.

(31-0) (31-0)

HB 1798 (Averitt) Relating to health maintenance organizations.

(31-0) (31-0)

HB 1799 (Averitt) Relating to group life insurance.

(31-0) (31-0)

HB 1800 (Averitt) Relating to health maintenance organizations.

(31-0) (31-0)

CSHB 1817 (Duncan) Relating to student fees at institutions in the Texas State University System.

(31-0) (31-0)

HB 1823 (Lindsay) Relating to financial assurance for certain solid waste processing facilities.

(31-0) (31-0)

HB 1828 (Whitmire) Relating to the name and use of the graffiti eradication fund.

(31-0) (31-0)

HB 1833 (Harris) Relating to certain fees that may be assessed and collected by a domestic relations office.

(31-0) (31-0)

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1833** by striking page 2, lines 5-9 (House engrossed version) and inserting:

"under Sections 153.014 and 203.004 a reasonable fee to be paid to the domestic relations office at the time of the visitation services are provided."

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

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

HB 1838 (Averitt) Relating to the prosecution of the offense of insurance fraud; providing a penalty.

(31-0) (31-0)

HB 1840 (Janek) Relating to a fee established and set by the State Securities Board.

(31-0) (31-0)

HB 1844 (Shapiro) Relating to a program under which classroom teachers are reimbursed for personal funds expended on classroom supplies.

(31-0) (31-0)

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1844** in SECTION 1 of the bill, in proposed Section 21.413, Education Code (engrossed version, page 2, between lines 11 and 12), by inserting the following:

(e) The legislature may not appropriate funds from the general revenue fund for the reimbursement program during the state fiscal biennium ending August 31, 2007. This subsection expires September 1, 2007.

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

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

CSHB 1858 (Staples) Relating to the promotion and marketing of Texas products.

(31-0) (31-0)

HB 1863 (Lindsay) Relating to the disclosure of certain voter registration information.

(31-0) (31-0)

CSHB 1865 (Williams) Relating to commercial group property insurance for certain businesses and associations.

(31-0) (31-0)

CSHB 1869 (Williams) Relating to the admission of certain video testimony into evidence in a proceeding regarding the abuse or neglect of a child.

(31-0) (31-0)

HB 1872 (Williams) Relating to the prosecution of the offense of criminal trespass.

(31-0) (31-0)

HB 1877 (Madla) Relating to creating the rural physician relief program.
(31-0) (31-0)

HB 1885 (Lucio) Relating to certain filing fees in a suit affecting the parent-child relationship.
(31-0) (31-0)

HB 1895 (Staples) Relating to the compensation provided to an immediate family member or a household member of a deceased victim for funeral attendance and bereavement leave or certain other crime victims' services.
(31-0) (31-0)

Senator Staples offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1895** (House grossment) as follows:

(1) In SECTION 1 of the bill, in amended Article 56.32(a)(2), Code of Criminal Procedure (page 1, lines 19 and 20), strike "~~or household member~~" and substitute "or household member".

(2) In SECTION 1 of the bill, in amended Article 56.32(a)(9), Code of Criminal Procedure (page 2, line 26), between "member" and "of", insert "or household member".

(3) In SECTION 1 of the bill, in amended Article 56.32(a)(9), Code of Criminal Procedure (page 3, line 13), between "member" and "of", insert "or household member".

(4) In SECTION 2 of the bill, in proposed Article 56.42(e), Code of Criminal Procedure (page 3, line 22), between "member" and "of", insert "or household member".

(5) In SECTION 2 of the bill, in proposed Article 56.42(e), Code of Criminal Procedure (page 3, line 24), between "family" and "member", insert "or household".

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

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

HB 1899 (Nelson) Relating to the prevention of the international abduction of a child by a parent of the child.
(31-0) (31-0)

HB 1905 (Gallegos) Relating to the records management and preservation fee collected by a district clerk.
(31-0) (31-0)

HB 1920 (Zaffirini) Relating to certain immunization programs.
(31-0) (31-0)

HB 1921 (Zaffirini) Relating to the immunization registry.
(31-0) (31-0)

HB 1934 (Madla) Relating to security and payment for, and the use of the proceeds of, certain public securities.
(31-0) (31-0)

HB 1940 (Hinojosa) Relating to longevity pay for assistant prosecutors.
(31-0) (31-0)

Senator Hinojosa offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1940** (House grossment) as follows:

(1) In SECTION 4 of the bill, in proposed Subsection (b), Section 41.258, Government Code (page 3, line 24), immediately before the period, insert "provided the cost does not exceed \$30 for all bail bonds posted at that time for an individual and the cost is not required on the posting of a personal or cash bond."

(2) In SECTION 4 of the bill, in proposed Section 41.258, Government Code (page 4, between lines 11 and 12), insert the following new subsection (f) and reletter subsequent subsections of Section 41.258 accordingly:

(f) A surety paying a cost under Subsection (b) may apply for and is entitled to a refund of the cost not later than the 181st day after the date the state declines to prosecute an individual or the grand jury declines to indict and individual.

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

Senator Hinojosa offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 1940** (House grossment) as follows:

(1) In SECTION 4 of the bill, in the heading to proposed Section 41.258, Government Code (page 3, line 18), after "FUND", insert "AND FAIR DEFENSE ACCOUNT".

(2) In SECTION 4 of the bill, in proposed Section 41.258(b), Government Code (page 3, line 23), strike "\$10" and substitute "\$15".

(3) In SECTION 4 of the bill, in proposed Section 41.258, Government Code (page 4, lines 21 and 22), strike Subsection (h) and substitute the following:

(h) The comptroller shall deposit two-thirds of the funds received under this section in the felony prosecutor supplement fund and one-third of the funds received under this section to the fair defense account. A county may not reduce the amount of funds provided for indigent defense services in the county because of funds provided under this subsection.

(4) In SECTION 4 of the bill, in proposed Section 41.258(i), Government Code (page 4, line 23), in the first sentence, between "the" and "fund", insert "felony prosecutor supplement".

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

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

CSHB 1971 (Nelson) Relating to convictions barring employment in certain facilities serving the elderly or persons with disabilities.
(31-0) (31-0)

HB 1972 (Gallegos) Relating to an administrative review process for child support payments.

(31-0) (31-0)

HB 1975 (Ellis) Relating to providing a physical address for a ballot to be delivered to the early voting clerk.

(31-0) (31-0)

CSHB 1979 (Jackson on behalf of Armbrister) Relating to preventing the discharge of untreated wastewater into waters of the state.

(31-0) (31-0)

CSHB 1997 (Jackson on behalf of Armbrister) Relating to the regulation of electric personal assistive mobility devices.

(31-0) (31-0)

HB 2002 (West) Relating to unexpended proceeds from the sale or license of treatment programs developed by the Texas Youth Commission.

(31-0) (31-0)

HB 2005 (Gallegos) Relating to the requirements for certain alcoholic beverage licenses and permits.

(31-0) (31-0)

CSHB 2019 (Harris) Relating to the creation of a state advisory council with authority to promote research, education, treatment, and support activities related to persons with traumatic brain injuries.

(31-0) (31-0)

HB 2029 (Fraser) Relating to the powers and duties of the Hamilton County Hospital District with respect to the issuance of bonds.

(31-0) (31-0)

HB 2033 (Fraser) Relating to historically underutilized businesses that perform investment brokerage services for a state agency.

(31-0) (31-0)

CSHB 2036 (Bivins) Relating to allowing certain political subdivisions to enter agreements with other political subdivisions for the collection of past due amounts for certain utility or waste disposal services.

(31-0) (31-0)

HB 2040 (Ellis) Relating to authorizing certain state agencies to share information for investigative purposes.

(31-0) (31-0)

HB 2043 (Brimer) Relating to the procedures for appointment of the board of directors of an appraisal district.

(31-0) (31-0)

HB 2053 (Janek) Relating to group health and related benefits provided by counties.

(31-0) (31-0)

Senator Janek offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2053** as follows:

(1) In SECTION 1 of the bill, proposed Sec. 157.101(a)(5), Local Government Code (page 2, lines 4-5), strike "Subdivisions (1)-(3)" and substitute "Subdivisions (1)-(4)".

(2) Immediately following SECTION 1 (engrossed version page 4, between lines 20 and 21), insert the following:

Sec. 157.105. APPLICABILITY OF SUBCHAPTER. (a) A county that chooses to provide medical or related benefits may operate under this subchapter or Subchapter A.

(b) A county operating under this subchapter that previously created a fund under Section 157.003 may continue the fund or may terminate the fund and create a fund as provided by Section 157.102.

SECTION 2. Subchapter A, Chapter 157, Local Government Code, is amended by adding Section 157.007 to read as follows:

Sec. 157.007. APPLICABILITY OF SUBCHAPTER. (a) A county that chooses to provide medical or related benefits may operate under this subchapter or Subchapter F.

(b) A county operating under this subchapter that previously created a fund under Section 157.102 may continue the fund or may terminate the fund and create a fund as provided by Section 157.003.

(3) Renumber the SECTIONS of the bill appropriately.

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

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

HB 2063 (Lindsay) Relating to the employees affected by certain county grievance procedures.

(31-0) (31-0)

HB 2064 (Lindsay) Relating to the procedure for returning an application for an early voting ballot.

(31-0) (31-0)

HB 2072 (Shapiro) Relating to payment by teachers for missing textbooks in public schools.

(31-0) (31-0)

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2072** as follows:

In SECTION 1 of the bill, in proposed Section 31.104(e), Education Code between "textbook" and the "that", insert "or instructional technology"

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

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

CSHB 2073 (Fraser) Relating to the ad valorem tax rate of a hospital district created under general or special law.

(31-0) (31-0)

HB 2085 (Duncan) Relating to the availability of bilingual clerks for an election.

(31-0) (31-0)

HB 2099 (West) Relating to the determination of the conservatorship of, and the right of possession of or access to, a child by a person who has a history of family violence.

(31-0) (31-0)

HB 2112 (Brimer) Relating to the liability of an employer for actions of an employee in the sale, service, dispensing, or delivery of alcoholic beverages.

(31-0) (31-0)

HB 2128 (Duncan) Relating to the transfer of certain state property from the Department of Public Safety of the State of Texas to Childress County.

(31-0) (31-0)

HB 2138 (Hinojosa) Relating to the use of certain electronic devices for the purpose of committing identity theft; providing criminal penalties.

(31-0) (31-0)

(Senator Hinojosa in Chair)

HB 2147 (Wentworth) Relating to the filing of a late application for a residence homestead exemption from ad valorem taxation.

(31-0) (31-0)

HB 2148 (Wentworth) Relating to the prohibition of a restriction or condition placed on a check tendered in payment of delinquent ad valorem taxes, penalties, and interest.

(31-0) (31-0)

HB 2149 (Staples) Relating to notice of, and disclosure of information about, an investigation of criminal conduct in connection with an election.

(31-0) (31-0)

HB 2152 (Staples) Relating to automatic recounts of certain majority vote elections.

(31-0) (31-0)

CSHB 2153 (Staples) Relating to filing a voting system equipment contract with the secretary of state.

(31-0) (31-0)

HB 2154 (Staples) Relating to appealing certain decisions of an election judge at a polling place.

(31-0) (31-0)

HB 2156 (Carona) Relating to the size of containers for certain alcoholic beverages.

(31-0) (31-0)

HB 2159 (Madla) Relating to a documented member of the Kickapoo Traditional Tribe of Texas hunting certain deer.

(31-0) (31-0)

HB 2162 (Staples) Relating to the authority of certain counties to impose a hotel occupancy tax.

(31-0) (31-0)

HB 2180 (Carona) Relating to the computation of charges assessed against a tenant in certain commercial leases.

(31-0) (31-0)

HB 2188 (Wentworth) Relating to alternate methods of responding to a jury summons.

(31-0) (31-0)

Senator Wentworth offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2188** in SECTION 1 of the bill (House engrossment, page 3) by striking lines 11-18.

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

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

HB 2189 (Wentworth) Relating to temporary guardianship procedures.

(31-0) (31-0)

Senator Wentworth offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2189** as follows:

(1) In SECTION 1 of the bill (engrossed version, page 1, line 5), between "Subsections" and "(c)", insert "(b)".

(2) In SECTION 1 of the bill, in Section 875, Texas Probate Code (engrossed version, page 1, between lines 6 and 7), insert the following:

(b) [~~A person for whom a temporary guardian has been appointed may not be presumed to be incapacitated.~~] The person retains all rights and powers that are not specifically granted to the person's temporary guardian by court order.

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

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

HB 2198 (Fraser) Relating to the certification of maximum medical improvement and the impairment rating assigned to an employee in a claim for workers' compensation benefits.

(31-0) (31-0)

HB 2199 (Fraser) Relating to the right of an insurance carrier to contest the compensability of an injury in a workers' compensation case; providing an administrative violation.

(31-0) (31-0)

HB 2208 (Nelson) Relating to the regulation of the practice of professional nursing.

(31-0) (31-0)

HB 2212 (Madla) Relating to the continuation of legal land use in newly incorporated areas.

(31-0) (31-0)

Senator Madla offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2212** by striking everything below the relating to clause and substituting the following:

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

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.016 to read as follows:

Sec. 211.016. CONTINUATION OF LAND USE IN NEWLY INCORPORATED AREAS. (a) A municipality incorporated after September 1, 2003, may not prohibit a person from:

(1) continuing to use land in the area in the manner in which the land was being used on the date of incorporation if the land use was legal at that time; or

(2) beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the incorporation if:

(A) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and

(B) a completed application for the initial authorization was filed with the governmental entity before the date of incorporation.

(b) For purposes of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant.

(c) This section does not prohibit a municipality from imposing:

(1) a regulation relating to the location of sexually oriented businesses, as that term is defined by Section 243.002;

(2) a municipal ordinance, regulation, or other requirement affecting colonias, as that term is defined by Section 2306.581, Government Code;

(3) a regulation relating to preventing imminent destruction of property or injury to persons;

(4) a regulation relating to public nuisances;

(5) a regulation relating to flood control;

(6) a regulation relating to the storage and use of hazardous substances;

(7) a regulation relating to the sale and use of fireworks; or

(8) a regulation relating to the discharge of firearms.

(d) A municipal ordinance or rule in conflict with this section is void.

SECTION 2. This Act takes effect September 1, 2003.

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

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

HB 2240 (Harris) Relating to the management of certain trusts and the adoption of the Uniform Prudent Investor Act.

(31-0) (31-0)

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2240** as follows:

(1) On page 9, strike SECTION 8 and renumber the subsequent sections accordingly.

(2) On page 11, line 21, strike "Sections 117.004(a)-(c)" and substitute "Section 117.004(b)".

(3) On page 12, line 13, strike "Sections 117.004(a)-(c)" and substitute "Section 117.004(b)".

(4) On page 12, line 21, strike "Sections 117.004(a)-(c)" and substitute "Section 117.004(b)".

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

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

HB 2241 (Harris) Relating to adoption of the Uniform Principal and Income Act.

(31-0) (31-0)

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2241** by striking page 7, line 22 to page 9, line 21 and substituting the following:

Sec. 116.006. JUDICIAL CONTROL OF DISCRETIONARY POWER.

(a) The court may not order a trustee to change a decision to exercise or not to exercise a discretionary power conferred by Section 116.005 of this chapter unless the court determines that the decision was an abuse of the trustee's discretion. A trustee's decision is not an abuse of discretion merely because the court would have exercised the power in a different manner or would not have exercised the power.

(b) The decisions to which Subsection (a) applies include:

(1) a decision under Section 116.005(a) as to whether and to what extent an amount should be transferred from principal to income or from income to principal; and

(2) a decision regarding the factors that are relevant to the trust and its beneficiaries, the extent to which the factors are relevant, and the weight, if any, to be given to those factors, in deciding whether and to what extent to exercise the discretionary power conferred by Section 116.005(a).

(c) If the court determines that a trustee has abused the trustee's discretion, the court may place the income and remainder beneficiaries in the positions they would have occupied if the discretion had not been abused, according to the following rules:

(1) to the extent that the abuse of discretion has resulted in no distribution to a beneficiary or in a distribution that is too small, the court shall order the trustee to distribute from the trust to the beneficiary an amount that the court determines will restore the beneficiary, in whole or in part, to the beneficiary's appropriate position;

(2) to the extent that the abuse of discretion has resulted in a distribution to a beneficiary which is too large, the court shall place the beneficiaries, the trust, or both, in whole or in part, in their appropriate positions by ordering the trustee to withhold an amount from one or more future distributions to the beneficiary who received the distribution that was too large or ordering that beneficiary to return some or all of the distribution to the trust; and

(3) to the extent that the court is unable, after applying Subdivisions (1) and (2), to place the beneficiaries, the trust, or both, in the positions they would have occupied if the discretion had not been abused, the court may order the trustee to pay an appropriate amount from its own funds to one or more of the beneficiaries or the trust or both.

(d) If the trustee of a trust reasonably believes that one or more beneficiaries of such trust will object to the manner in which the trustee intends to exercise or not exercise a discretionary power conferred by Section 116.005 of this chapter, the trustee may petition the court having jurisdiction over the trust, and the court shall determine whether the proposed exercise or nonexercise by the trustee of such discretionary power will result in an abuse of the trustee's discretion. The trustee shall state in such petition the basis for its belief that a beneficiary would object. The failure or refusal of a beneficiary to sign a waiver or release is not reasonable grounds for a trustee to believe the beneficiary will object. The court may appoint one or more guardians ad litem pursuant to Section 115.014 of this subtitle. If the petition describes the proposed exercise or nonexercise of the power and contains sufficient information to inform the beneficiaries of the reasons for the proposal, the facts upon which the trustee relies, and an explanation of how the income and remainder beneficiaries will be affected by the proposed exercise or nonexercise of the power, a beneficiary who challenges the proposed exercise or nonexercise has the burden of establishing that it will result in an abuse of discretion. The trustee shall advance from the trust principal all costs incident to the judicial determination, including the reasonable attorney's fees and costs of the trustee, any beneficiary or beneficiaries who are parties to the action and who retain counsel, and any guardian ad litem. At the conclusion of the proceeding, the court may award costs and reasonable and necessary attorney's fees as provided in Section 114.064 of this subtitle, including, if the court considers it appropriate, awarding part or all of such costs against the trust principal or income, awarding part or all of such costs against one or more beneficiaries or such beneficiary's or beneficiaries' share of the trust, or awarding part or all of such costs against the trustee in the trustee's individual capacity if the court determines the trustee's exercise or nonexercise of discretionary power would have

resulted in an abuse of discretion or that the trustee did not have reasonable grounds for believing one or more beneficiaries will object to the proposed exercise or nonexercise of the discretionary power.

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

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

HB 2248 (Armbrister) Relating to certain fraudulent criminal conduct affecting a financial institution.

(31-0) (31-0)

CSHB 2249 (Staples) Relating to sale and lease of public school land.

(31-0) (31-0)

HB 2251 (Van de Putte) Relating to allowing supplemental pay for members of the Texas National Guard who are called to active duty when active duty service imposes an economic hardship.

(31-0) (31-0)

HB 2252 (Van de Putte on behalf of Hinojosa) Relating to exemptions for certain individuals from cost recovery actions and liens placed on homesteads by the Texas Commission on Environmental Quality.

(31-0) (31-0)

CSHB 2308 (West) Relating to the low income housing tax credit program.

(31-0) (31-0)

(Senator Armbrister in Chair)

HB 2322 (Staples) Relating to the authority of certain counties to impose a hotel occupancy tax.

(31-0) (31-0)

HB 2323 (Carona) Relating to the transfer of certain suits regarding workers' compensation claims.

(31-0) (31-0)

HB 2343 (Ogden) Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Walker County.

(31-0) (31-0)

Senator Ogden offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2343** as follows:

(1) In SECTION 1 of the bill, in proposed Subsection (b) (page 1, line 9) strike "may" and insert "shall".

(2) In SECTION 1 of the bill, in proposed Subsection (b) (page 1, lines 10-11) strike "a purpose that benefits the public interest of the state" and insert "the construction and operation of a museum which memorializes veterans".

(3) In SECTION 1 of the bill, in proposed Subsection (c)(1)(B) (page 1, lines 23-24) strike "a purpose that benefits the public interest of the state" and insert "the purpose specified in Subsection (b)".

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

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

CSHB 2350 (Nelson) Relating to the amount charged by the Texas Department of Health for a youth camp license.

(31-0) (31-0)

HB 2376 (Averitt) Relating to the correction or removal from the statutes of obsolete references regarding the surety bonds of state officers and employees.

(31-0) (31-0)

CSHB 2379 (Shapiro) Relating to the recreational facility fee charged at The University of Texas at Dallas.

(31-0) (31-0)

HB 2386 (Brimer) Relating to the authority of certain municipalities or counties to impose a facility use tax to finance venue projects.

(31-0) (31-0)

HB 2388 (Jackson on behalf of Armbrister) Relating to the late payment of certain submetered or allocated water bills and the use of certain submetering equipment.

(31-0) (31-0)

HB 2397 (Williams) Relating to a vendor's or subcontractor's remedy for nonpayment of certain contracts.

(31-0) (31-0)

CSHB 2400 (Gallegos) Relating to military leave and military leave time accounts for certain municipal fire fighters and police officers.

(31-0) (31-0)

HB 2409 (Brimer) Relating to the disclosure of certain information held by a business offering check verification or check guarantee services.

(31-0) (31-0)

HB 2416 (Janek) Relating to the extension of the period for which an incomplete improvement on property owned by certain nonprofit organizations may be exempted from ad valorem taxation and exempting from additional taxes open-space land converted by certain nonprofit organizations for certain charitable purposes.

(31-0) (31-0)

CSHB 2453 (Ogden) Relating to the definition of a hospital district management contractor.

(31-0) (31-0)

HB 2457 (Lucio) Relating to an intercollegiate athletics fee at Texas A&M University-Kingsville.

(31-0) (31-0)

Senator Lucio offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2457** as follows:

On page 1 lines 20-22, strike all language after "purpose" and add "."

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

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

CSHB 2485 (Ratliff) Relating to internal auditing of state agencies.

(31-0) (31-0)

HB 2496 (Janek) Relating to the date of the primary election.

(31-0) (31-0)

CSHB 2500 (Harris) Relating to the enforcement of fares imposed for the use of certain public transportation systems; providing penalties.

(31-0) (31-0)

CSHB 2519 (Lucio) Relating to the regulation of bingo.

(30-1) Staples "Nay" (30-1) Staples "Nay"

CSHB 2522 (Ogden) Relating to financing authority for certain institutions of higher education for facilities.

(30-1) Staples "Nay" (30-1) Staples "Nay"

HB 2525 (Whitmire) Relating to the punishment of certain assaults committed against persons who contract with government and employees of those persons.

(31-0) (31-0)

Senator Whitmire offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2525** (engrossed version) as follows:

On page 1, line 20, after the word "service" insert "in a facility as defined by Section 1.07(a)(14), Penal Code; Section 51.02(13), Family Code; or Section 51.02(14), Family Code".

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

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

HB 2528 (Fraser) Relating to the authority of school districts to purchase electricity through a political subdivision corporation.

(31-0) (31-0)

HB 2548 (Fraser) Relating to electric transmission capacity.

(31-0) (31-0)

HB 2562 (Barrientos) Relating to persons eligible for burial in the State Cemetery.

(31-0) (31-0)

HB 2579 (Carona) Relating to the extended hours of sale for mixed beverages and beer in certain counties.

(31-0) (31-0)

HB 2588 (Harris) Relating to certain fees and costs that may be collected and to certain attorney's fees and costs that may be imposed in relation to certain child support matters.

(31-0) (31-0)

Senator Harris offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2588** by striking "\$500" on page 2, lines 13 and 15 and replacing it with "\$1000.00" respectively.

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

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

HB 2609 (Nelson) Relating to the establishment of mental health court programs.

(31-0) (31-0)

HB 2613 (Jackson on behalf of Armbrister) Relating to liens on stored hydrocarbons at sites and facilities that have not been timely cleaned up.

(31-0) (31-0)

HB 2636 (Staples) Relating to notifying an applicant of the omission of certain information from a federal postcard application to vote in an election.

(31-0) (31-0)

HB 2650 (Jackson on behalf of Armbrister) Relating to the creation of a council to oversee the implementation of a statewide integrated public safety radio communications system for public safety and homeland security purposes.

(31-0) (31-0)

HB 2660 (Lucio) Relating to the establishment of minimum levels of water conservation in water conservation plans.

(31-0) (31-0)

HB 2661 (Jackson on behalf of Armbrister) Relating to the use of graywater.

(31-0) (31-0)

HB 2663 (Lucio) Relating to the establishment of quantifiable goals for drought contingency plans.

(31-0) (31-0)

HB 2678 (Deuell) Relating to authorization for a payroll deduction to be made from a county employee's wages or salary.

(31-0) (31-0)

HB 2684 (Staples) Relating to the timely filing of an application for a place on the ballot for an office of a home-rule city.

(31-0) (31-0)

(Senator Hinojosa in Chair)

HB 2692 (Zaffirini) Relating to a pilot program to promote and facilitate the operation of diabetes groups.

(31-0) (31-0)

HB 2701 (Estes) Relating to the provision of fire prevention and safety education.

(31-0) (31-0)

CSHB 2718 (Jackson) Relating to the allocation and use of municipal hotel occupancy taxes in certain municipalities bordering bays.

(31-0) (31-0)

HB 2721 (Van de Putte) Relating to the acanthosis nigricans screening program in certain public and private schools.

(31-0) (31-0)

HB 2725 (West) Relating to the destruction of records following certain expunctions.

(31-0) (31-0)

HB 2726 (Staples) Relating to authorizing an owner of inventory to waive the right to have the inventory appraised for ad valorem tax purposes at the price for which it would sell as a unit.

(31-0) (31-0)

HB 2732 (Lindsay) Relating to certain municipal orders required to be filed with the municipal secretary or clerk.

(31-0) (31-0)

HB 2764 (Madla) Relating to the authority of certain municipal hospital authorities to borrow money.

(31-0) (31-0)

CSHB 2795 (Whitmire) Relating to the release on bond of certain persons arrested without a warrant.

(31-0) (31-0)

HB 2799 (West) Relating to the application of the Uniform Municipal Courts of Record Act.

(31-0) (31-0)

HB 2801 (West) Relating to urban land bank demonstration programs.

(31-0) (31-0)

HB 2819 (Deuell) Relating to the confidentiality of certain home address information held by a tax appraisal district.

(31-0) (31-0)

HB 2823 (Shapiro) Relating to individual transition plans for certain students receiving special education services.

(31-0) (31-0)

HB 2844 (Wentworth) Relating to the exemption from the requirement that a person register as a property tax consultant to perform certain property tax consulting services.

(31-0) (31-0)

HB 2846 (Fraser) Relating to the authority of the State Office of Administrative Hearings to conduct certain hearings over which the Railroad Commission of Texas has jurisdiction.

(31-0) (31-0)

HB 2847 (Jackson) Relating to the transfer of the powers, duties, and functions under the Texas Aggregate Quarry and Pit Safety Act from the railroad commission to the department of transportation.

(31-0) (31-0)

HB 2856 (Gallegos) Relating to certain fees collected by a domestic relations office.

(31-0) (31-0)

CSHB 2866 (Madla) Relating to coordinated inspection of certain child-care facilities for compliance with fire safety and sanitation standards.

(31-0) (31-0)

CSHB 2881 (Deuell) Relating to prohibiting an attack on an assistance animal; creating an offense.

(31-0) (31-0)

HB 2886 (Lindsay) Relating to certain certificates and reports filed with the bureau of vital statistics.

(31-0) (31-0)

HB 2889 (Armbrister) Relating to the authority of certain municipalities to issue bonds, notes, or warrants to finance the acquisition, construction, operation, or repair of certain health and recreational facilities.

(31-0) (31-0)

HB 2895 (Whitmire) Relating to the operations of the Texas Youth Commission.

(31-0) (31-0)

Senator Whitmire offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2895** by striking SECTION 4 and renumbering the subsequent sections accordingly.

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

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

HB 2898 (Deuell) Relating to the publication of notice in a newspaper in certain counties.

(31-0) (31-0)

HB 2902 (Estes) Relating to the assessment of costs for the improvement of a road in a part of a subdivision.

(31-0) (31-0)

HB 2916 (Armbrister) Relating to establishing equivalent membership service in the Judicial Retirement System Plan Two.

(31-0) (31-0)

HB 2924 (Brimer) Relating to the addition of territory to a public improvement district.

(31-0) (31-0)

CSHB 2931 (Madla) Relating to the administration and finances of counties and certain other entities.

(31-0) (31-0)

HB 2937 (Estes) Relating to the creation of the office of criminal district attorney of Grayson County and to the abolition of the office of county attorney of Grayson County.

(31-0) (31-0)

CSHB 2947 (Armbrister) Relating to state agency decentralization of services.

(31-0) (31-0)

HB 2961 (Armbrister) Relating to the use of municipal hotel occupancy taxes by certain municipalities.

(31-0) (31-0)

HB 2970 (Zaffirini) Relating to the state program of temporary assistance and related support services for needy persons.

(31-0) (31-0)

HB 2985 (Nelson) Relating to the establishment of an office of patient protection within the Health Professions Council.

(31-0) (31-0)

HB 2989 (Janek) Relating to an inquest when a body part is found and to the qualifications of a person conducting an inquest.

(31-0) (31-0)

CSHB 3011 (Van de Putte on behalf of Hinojosa) Relating to certain reports, information, or records related to certain health care facilities.

(31-0) (31-0)

(Senator Armbrister in Chair)

HB 3014 (Janek) Relating to authorizing gifts and grants of drugs and other items to certain state agencies.

(31-0) (31-0)

CSHB 3017 (Nelson) Relating to the organization, administration, and validation of the creation and certain action of a coordinated county transportation authority.

(31-0) (31-0)

HB 3024 (Jackson on behalf of Armbrister) Relating to increasing governmental efficiency through the reduction of duplicative reporting and auditing requirements.
(31-0) (31-0)

CSHB 3034 (Jackson on behalf of Armbrister) Relating to the rates of certain retail public utilities.
(31-0) (31-0)

CSHB 3061 (Hinojosa) Relating to regulation of the disposal of animal remains.
(31-0) (31-0)

HB 3070 (Averitt) Relating to reimbursement for expenses incurred by jurors.
(31-0) (31-0)

HB 3074 (Staples) Relating to required activities and limits on the amounts of state financial assistance for which regional planning commissions may be eligible.
(31-0) (31-0)

HB 3087 (Carona) Relating to a release or satisfaction of a judgment for child support arrearages.
(31-0) (31-0)

HB 3102 (Madla) Relating to the fiscal year of the Maverick County Hospital District.
(31-0) (31-0)

CSHB 3109 (Carona) Relating to physician and health care provider panels of independent review organizations.
(31-0) (31-0)

HB 3114 (Hinojosa) Relating to the definition of gross income under the Family Code.
(31-0) (31-0)

(Senator Janek in Chair)

HB 3122 (Lindsay) Relating to the establishment of locally based demonstration projects to provide health care benefits to certain low-income individuals.
(31-0) (31-0)

HB 3124 (Zaffirini) Relating to the powers and duties of the Texas Rehabilitation Commission.
(31-0) (31-0)

HB 3125 (Zaffirini) Relating to certain programs provided by the Texas Commission for the Blind.
(31-0) (31-0)

CSHB 3141 (Armbrister) Relating to stamping of cigarettes in interstate commerce.
(31-0) (31-0)

HB 3167 (Brimer) Relating to filing fees for certain types of actions.
(31-0) (31-0)

CSHB 3168 (Carona) Relating to the determination of workers' compensation benefits and the resolution of disputes regarding those benefits.
(31-0) (31-0)

HB 3174 (Averitt) Relating to the requirement to submit a health certificate to obtain a license to practice cosmetology.

(31-0) (31-0)

HB 3179 (Van de Putte) Relating to the elimination of certain membership requirements for local workforce development boards and of certain programs administered by those boards.

(31-0) (31-0)

HB 3193 (Madla) Relating to the delegation of certain acts by dentists.

(30-1) Staples "Nay" (30-1) Staples "Nay"

HB 3194 (Lindsay on behalf of Janek) Relating to an exemption for the Department of Protective and Regulatory Services from paying certain costs and fees.

(31-0) (31-0)

HB 3200 (Armbrister) Relating to certain standards for assisted living facilities.

(31-0) (31-0)

HB 3211 (Van de Putte) Relating to certain veterans' assistance programs.

(31-0) (31-0)

HB 3229 (Fraser) Relating to electing directors of the Blanco-Pedernales Groundwater Conservation District.

(31-0) (31-0)

HB 3237 (Harris) Relating to the payment of retirement benefits to retirees of the Teacher Retirement System of Texas who are employed as substitute teachers and in other public school positions in the same month.

(31-0) (31-0)

HB 3264 (Deuell) Relating to the prevention of childhood lead poisoning.

(31-0) (31-0)

HB 3282 (Zaffirini) Relating to the authority of certain counties to impose a hotel occupancy tax and to the rate of that tax.

(31-0) (31-0)

CSHB 3303 (Hinojosa) Relating to the validation of certain acts and proceedings of the City of McAllen.

(31-0) (31-0)

HB 3308 (Hinojosa) Relating to the payment of wages through a direct deposit plan.

(31-0) (31-0)

HB 3312 (Hinojosa) Relating to substitution of securities by a depository for a county.

(31-0) (31-0)

CSHB 3324 (Fraser) Relating to the issuance of certain obligations and the imposition of assessments for the unemployment compensation system.

(31-0) (31-0)

(Senator Armbrister in Chair)

CSHB 3325 (Staples) Relating to the creation and administration of the community telecommunications alliance program.

(31-0) (31-0)

HB 3338 (Jackson on behalf of Armbrister) Relating to the performance of a water audit by a retail public utility providing potable water.

(31-0) (31-0)

HB 3378 (Shapleigh) Relating to granting statutory authority to certain governmental entities to reduce certain expenditures and to the operation of certain funds.

(31-0) (31-0)

Senator Shapleigh offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 3378** (House engrossment printing) by inserting the following new SECTION 2.04 in the bill (page 3, between lines 18 and 19) to read as follows:

SECTION 2.04. TEXAS DEPARTMENT OF INSURANCE. Section 802.055, Insurance Code, as effective June 1, 2003, is amended to read as follows:

Sec. 802.055. COSTS PAID BY INSURANCE COMPANY. ~~[(a)]~~ An insurance company shall pay all [the] costs of preparing and furnishing to the National Association of Insurance Commissioners the information required under Section 802.052, including any related filing fees.

~~[(b) Except as provided by Subsection (a), costs relating to providing the information required under Section 802.052 may not be assessed against an insurance company.]~~

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

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

HB 3383 (Estes) Relating to agricultural development districts.

(31-0) (31-0)

CSHB 3419 (Lindsay) Relating to procedural and technical corrections and clarification of the Property Tax Code, procedures for the seizure and sale of property, and distribution of ad valorem tax sale proceeds.

(31-0) (31-0)

CSHB 3420 (Madla) Relating to a set-aside for certain colonia access roadway projects proposed by rural border counties.

(31-0) (31-0)

HB 3439 (Carona) Relating to the liability of certain health care practitioners for examinations and medical screenings of students.

(31-0) (31-0)

HB 3460 (Averitt) Relating to regulation of the practice of cosmetology.

(31-0) (31-0)

HB 3461 (Zaffirini) Relating to the duties of the district attorney for the 156th Judicial District.

(31-0) (31-0)

CSHB 3486 (Deuell) Relating to a health care facility's return of certain unused drugs to a pharmacy and to reimbursement or credit under the state's medical assistance program for returned drugs.

(31-0) (31-0)

CSHB 3503 (Harris) Relating to exculpatory clauses in trusts.

(31-0) (31-0)

(Senator Hinojosa in Chair)

HB 3504 (Lindsay) Relating to the deferral or abatement of the collection of taxes on the residence homestead of an elderly or disabled person.

(31-0) (31-0)

HB 3540 (Shapleigh) Relating to a refund of an overpayment or erroneous payment of ad valorem taxes by a tax collector who performs consolidated tax collection functions.

(31-0) (31-0)

HB 3559 (Ogden) Relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Municipal Utility District No. 13.

(31-0) (31-0)

HB 3560 (Ogden) Relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Municipal Utility District No. 12.

(31-0) (31-0)

CSHB 3562 (Staples) Relating to the creation of the Southwest Montgomery County Improvement District; providing authority to impose taxes and issue bonds.

(31-0) (31-0)

HB 3563 (Armbrister) Relating to the creation of the Waller County Road Improvement District No. 1; providing authority to impose a tax and issue bonds.

(31-0) (31-0)

Senator Armbrister offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 3563** on page 17, line 9, between "Code," and "or", by inserting the words "a cable operator as defined by 47 U.S.C. Section 522, as amended,"

The committee 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.

CSHB 3565 (Barrientos) Relating to the creation, administration, powers, duties, operation, and financing of the Lazy Nine Municipal Utility District.

(31-0) (31-0)

HB 3567 (Armbrister) Relating to the number and method of electing directors of the Coastal Bend Groundwater Conservation District.
(31-0) (31-0)

HB 3577 (Bivins) Relating to the County Court at Law of Randall County.
(31-0) (31-0)

Senator Bivins offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 3577** on page 1, line 24 by adding the words "to conduct arraignments, conduct pretrial hearings, and accept guilty pleas" between "cases" and " . "

On page 2, lines 5 through 7 by removing the words "The county may not reduce the compensation paid to the judge of a county court at law during the judge's term in office."

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

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

HB 3583 (Harris) Relating to the creation of the Great Southwest Improvement District; providing authority to impose a tax and issue bonds.
(31-0) (31-0)

HB 3584 (Bivins) Relating to the Moore County Juvenile Board.
(31-0) (31-0)

HB 3591 (Averitt) Relating to authorizing the strip annexation of certain property by certain municipalities.
(31-0) (31-0)

CSHB 3592 (Bivins) Relating to the creation of the Downtown Midland Management District; providing authority to impose taxes and issue bonds.
(31-0) (31-0)

HB 3597 (Armbrister) Relating to the abolition of the County Court at Law of Matagorda County.
(31-0) (31-0)

HB 3603 (Brimer) Relating to the appointment or election of judges of municipal courts of record in the City of Bedford.
(31-0) (31-0)

HB 3612 (Armbrister) Relating to the creation, administration, powers, duties, operation, and financing of the Garfield Municipal Utility District No. 1.
(31-0) (31-0)

HB 3624 (Shapleigh) Relating to electronic recordings of proceedings in the municipal court of record for the City of El Paso.
(31-0) (31-0)

HB 3636 (Armbrister) Relating to the creation, administration, powers, duties, operation, and financing of the Colony Municipal Utility District No. 1.
(31-0) (31-0)

HB 1695 (Nelson) Relating to certain election processes and procedures.
(31-0) (31-0)

HCR 27 (Ogden) Conferring the Texas Legislative Medal of Honor on Colonel M. B. Etheredge.
(viva voce vote)

HCR 90 (Staples) Memorializing congress to expand the medical savings account program to allow states to design such programs for their employees.
(viva voce vote)

HCR 92 (Madla) Designating the sopaipilla as the official State Pastry of Texas.
(viva voce vote)

CSHCR 103 (Jackson) Memorializing the United States government to improve the enforcement of food import restrictions on seafood imports.
(viva voce vote)

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

HCR 156 (Van de Putte) Memorializing congress to enact the Citizenship For America's Troops Act to allow citizenship through service in the U.S. Armed Forces.
(viva voce vote)

HCR 161 (Van de Putte) Urging Congress to change veterans' mortgage bonds to cover all veterans who have served on active duty.
(viva voce vote)

HCR 186 (Madla) Expressing support and encouragement for the reopening of the bridge and border crossing at La Linda to accommodate trade and tourism between Texas and Coahuila, Mexico.
(viva voce vote)

(Senator Harris in Chair)

HCR 204 (Lucio) Urging Congress to reinstate funding for the EPA Border Fund to \$75 million for fiscal year 2004.
(viva voce vote)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Carona and Senator Harris requested in writing that **HB 1268** be removed from the Local and Uncontested Calendar.

Senator Ellis and Senator Harris requested in writing that **HB 1859** be removed from the Local and Uncontested Calendar.

Senator Wentworth and Senator Harris requested in writing that **HB 2032** be removed from the Local and Uncontested Calendar.

Senator Ogden and Senator Harris requested in writing that **HB 2313** be removed from the Local and Uncontested Calendar.

Senator Nelson and Senator Shapiro requested in writing that **HB 3009** be removed from the Local and Uncontested Calendar.

Senator Hinojosa and Senator Harris requested in writing that **HB 3190** be removed from the Local and Uncontested Calendar.

Senator Jackson and Senator Harris requested in writing that **HB 3232** be removed from the Local and Uncontested Calendar.

Senator Whitmire and Senator Harris requested in writing that **HB 3305** be removed from the Local and Uncontested Calendar.

Senator Ellis and Senator Harris requested in writing that **HB 3578** be removed from the Local and Uncontested Calendar.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 10:37 a.m. adjourned, in memory of Charles Schulze, Jr., of Irving, until 11:00 a.m. today.

